

**SCA-25 HAS NO SUBSTITUTE.  
SCA-25 HAS NO EQUAL.**

**HERE IS WHAT SCA - 25 WILL DO:**

1. SCA-25 sustains and activates the existing law in the Second Amendment just as the founding fathers intended it to be.
2. SCA-25 will stop the intrusion and application of federal bills; specifically, Brady's, Feinstein's, Owens', including any and all other legislation which infringes upon the arms rights of the people of California. (SCA-25 is built to be used by any state.)
3. SCA-25 casts off all oppressive misconstructions that unlawfully were set against the Second Amendment to deny its application.
4. SCA-25 mandates that the Second Amendment be enforced as a principle in law that must be applied by the courts.
5. SCA-25 is self-executing.
6. SCA-25 prohibits registration and all taxation on firearms with the exception of sales tax.
7. SCA-25 upon passage, makes all past, present or future infringing state firearms laws instantly inoperative.
8. SCA-25 presents unique legislation which contains a declaration (a mandate from the people) that reaffirms the intents and purposes of the authors of the Second Amendment and requires such to be the final authority in all decisions relating to the exercise of the right to keep and bear arms.

Make no mistake about it! If you are outside of the Bill of Rights you have no protection at all! The Second Amendment in the Bill of Rights can NOT be repealed nor superseded. Even if one so desired, he could not divest himself of this right. No one can divest himself of natural rights nor deny them to his posterity!

Introduced by Senator Rogers

March 9, 1993

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.5 to Article I thereof, relating to the right to keep and bear arms.

LEGISLATIVE COUNSEL'S DIGEST

SCA 25, as introduced, Rogers. Right to keep and bear arms.

The 2nd Amendment to the United States Constitution provides that "[a] well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

The California Constitution does not include any provision concerning the right of the people to keep and bear arms.

This measure, among other things, would declare that the right of the people to keep and bear arms, individually and collectively, is an inalienable, inherent, and natural right, acknowledged in the common law, confirmed by the 2nd Amendment to the United States Constitution, and secured by the Act for the Admission of California into the Union; and that the full and necessary exercise, affiliated activity, and benefits of this right are reaffirmed, guaranteed, and protected from all infringements.

The measure would specify that the restraints in the provisions of the measure also shall apply to purported treaties, related legislation, to executive orders, and to martial law, and that all constitutional provisions, state laws, and local governmental ordinances that are inconsistent with these provisions are inoperative.

The measure, in addition, would provide that no part of



these provisions shall be unconstitutional, as they are in support of the text of the original United States Constitution and the Bill of Rights, and they sustain that which is already fundamental law. However, if any part of this section is questioned, the questioned part shall remain in full force and effect until such time that it has been finally adjudged to be contrary to the United States Constitution and the Bill of Rights, as well as the purposes, reasonings, and discourses of the nation's founders.

Vote:  $\frac{3}{4}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring, That*  
2 the Legislature of the State of California at its 1993-94  
3 Regular Session commencing on the seventh day of  
4 December 1992, two-thirds of the members elected to  
5 each of the two houses of the Legislature voting therefor,  
6 hereby proposes to the people of the State of California  
7 that the Constitution of the State be amended by adding  
8 Section 1.5 to Article I thereof, to read:

9 SEC. 1.5. (a) The right of the people to keep and  
10 bear arms, individually and collectively, is an inalienable,  
11 inherent, and natural right, acknowledged in the  
12 common law, confirmed by the Second Amendment to  
13 the United States Constitution, and secured by the Act for  
14 the Admission of California into the Union. The full and  
15 necessary exercise, affiliated activity, and benefits of this  
16 right are herein reaffirmed, guaranteed, and protected  
17 hereby from all infringements.

18 (b) For purposes of clarification, and to prevent  
19 misconstruing, this right shall be interpreted so as to  
20 coincide and adhere to the reasonings and discourses  
21 made in behalf of the Second Amendment to the United  
22 States Constitution by the nation's founders who  
23 authored or otherwise contributed to the formation of  
24 that amendment, and so as to conform to the definitions  
25 in use at that time.

26 (c) The intent of this section is to reaffirm, clarify, and  
27 protect the right of the people of this state to, but not be  
28 limited to, purchase, own, possess, advertise, sell, lease,

1 loan, manufacture, transport, or use arms and  
2 ammunition for purposes of defense of person, family,  
3 home, property, and liberty, for the defense and safety of  
4 the state, and for sport and recreation. This section shall  
5 not apply to convicted violent felons, nor to any  
6 individual who has been adjudicated by a court to be a  
7 danger to others as a result of mental disorder or mental  
8 illness.

9 (d) No public official, whether elected or nonelected,  
10 in this state or its subdivisions, nor the Legislature, nor  
11 any other public body, shall deny, curtail, prohibit, or tax  
12 the right of the people to keep and bear arms; nor enact,  
13 nor participate in the execution of, any law which in any  
14 style, form, or manner constitutes the registration of the  
15 people's firearms or ammunition; nor take any action to  
16 promote, or to engage in, the confiscation of firearms,  
17 which includes weapons of defense, well-suited to fend  
18 off invasion.

19 (e) The right to keep and bear arms and ammunition  
20 is not subject to infringement or revocation by any  
21 branch of government, or from any other source, by  
22 reason of, but not limited to, ordinances or other acts of  
23 local or state governments, or any other legislation which  
24 subverts the intent of this section. The restraints in this  
25 section also shall apply to purported treaties, related  
26 legislation, to executive orders, and to martial rule.

27 (f) All constitutional provisions, state laws, and local  
28 government ordinances that are inconsistent with this  
29 section are inoperative. The provisions of this section  
30 shall be self-executing.

31 (g) No part of this section is unconstitutional, as it is in  
32 support of the text of the original United States  
33 Constitution and the Bill of Rights, and it sustains that  
34 which is already fundamental law. If any part of this  
35 section is questioned, the questioned part shall remain in  
36 full force and effect until such time that it has been finally  
37 adjudged to be contrary to the United States Constitution  
38 and the Bill of Rights, as well as the purposes, reasonings,  
39 and discourses of the nation's founders.

# AND JUST WHO WILL BE IN CHARGE OF THE "WORLD ARMY" AFTER WE ELIMINATE OUR U.S. ARMED FORCES?

That the Secretary of the U. N. Security Council must always be a RUSSIAN is attributed to secret agreement between Alger Hiss and Molotov confirmed by Trygve Lie and U. S. State Department and verified by subsequent action!!!

LET'S LOOK AT THE RECORD:  
SINCE THE UNITED NATIONS  
WAS ESTABLISHED, THESE  
FOURTEEN PEOPLE WERE THE  
UNDER SECRETARIES FOR POLIT-  
ICAL AND SECURITY AFFAIRS. ARE  
YOU WILLING TO TURN OUR U.S.  
MILITARY PERMANENTLY OVER TO  
THE UNITED NATIONS SECURITY  
COUNCIL UNDER THE COMMAND  
AND CONTROL OF OUR ENEMIES

SECOND AMENDMENT COMMITTEE  
P. O. BOX 1776  
HARTFORD, CA 93232

1946-1949 Arkady Sobolev (USSR)	4. 1954-1957 Dragoslav Protitch (Yugoslavia)	9. 1963-1965 V. P. Suslov (USSR)	11. 1973-1978 Arkady N. Shevchenko (USSR)
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	7. 1962-1963 E. D. Kiselev (USSR)		14. 1987- Vasilii S. Safronchuk (USSR)

SINCE THE WORLD CONSTITUTION FOR THE "GLOBAL SOCIETY" IS A COMMUNIST-ORIENTED CONSTITUTION, HOW SAFE WILL OUR PEOPLE BE WHEN THE RUSSIANS ARE IN FULL AND COMPLETE CONTROL OF OUR MILITARY? DON'T FORGET THE LAW TO GIVE THE UNITED NATIONS ARMY HAS NOW BEEN PASSED. IT WAS SIGNED BY JOHN KENNEDY. IT IS CALLED P.L. 87-2

WHEN PUBLIC LAW 87-297  
WAS BEFORE THE CONGRESS,  
DID THEY REALIZE THAT IT  
CALLED FOR THE ELIMINATION OF  
OUR ARMED FORCES AND OUR  
WEAPONS OF ALL KINDS?

YES!! MR. QUIE LAID IT BARE  
BEFORE THEIR EYES AND WANTED  
THEM TO DELETE IT. READ THE  
FOLLOWING FROM THE CONGRESSION-  
AL RECORD

PUB. LAW 87-297



Congressional Record

PROCEEDINGS AND DEBATES OF THE 87<sup>th</sup> CONGRESS, FIRST SESSION



Public Law 87-297  
87th Congress, H. R. 9118  
September 26, 1961

# An Act

To establish a United States Arms Control and Disarmament Agency.

As it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,

## TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

### SHORT TITLE

SECTION 1. This Act may be cited as the "Arms Control and Disarmament Act".

### PURPOSE

SEC. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It must be able to carry out the following primary functions:

- (a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;
- (b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
- (c) The dissemination and coordination of public information concerning arms control and disarmament; and
- (d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

### DEFINITIONS

SEC. 3. As used in this Act—

- (a) The terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of inter-

## ELIMINATION OF ARMED FORCES

The CHAIRMAN. The gentleman from Minnesota is recognized.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, if we strike out the word "elimination" in line 12, the definition will read:

(a) The term "disarmament" includes the control, reduction, limitation, inspection, verification, or identification of armed forces and armaments of all kinds.

I think it would be unwise, dangerous, foolish, to state in a bill that disarmament means the elimination of armed forces and armaments of all kinds. There would be nothing more dangerous for this country, there would be nothing more dangerous in the cause of world peace than to have any important country lay down its arms completely. There is no nation in the world today that is not dominated by another nation, that has eliminated its arms or its armed forces completely. You can see the way the people who have called themselves the noncommitted nations in Belgrade look to a country like Russia that has great arms, and who have talked and acted tough. I think that is why they talked mostly about colonialism, but did not object strenuously to the testing of the atomic bomb by Russia or any of colonialistic and aggressive acts. You

can imagine what would happen in case we, under an international agreement, eliminated all armed forces, even every soldier, and all weapons whatsoever. All another nation would have to do would be to secretly have a few armed forces and a few devastating weapons, and immediately we would be unable to defend ourselves now that there are these new kinds of weapons, especially nuclear weapons.

Quite a bit has been written on this subject. There could be arms control at a reasonable level with inspection and an identification of these weapons. Then if, in a sneaky way, some country should add a few more troops, should add a few more weapons, it would be difficult for us to protect ourselves. It is just like some people want in this country, for nobody to have any weapons at all. Should that happen in this country we would find the police force unable to cope with the criminals. We have to have an armed force, and under any international agency I imagine not only would they have their own police force but they would have access to the armed forces of those countries in the international agreement who are friendly to the cause in case of an aggression against a peaceful country.

So I believe if we are to have a meaningful arms control we should take out this word "elimination" and remove it from this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 52, nays 80.

So the amendment was rejected.

— and Mr. Quie voted — YEA!  
for the AGENCY on 19th.

Note: As of November 1989, the wording has not been changed. Today, Section 3 still reads the same as you see it on the left.



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# THIS IS PUBLIC LAW 87-297:

PAGE 1



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87th Congress, 1st Sess. 9-11-61  
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This law was passed in 1961 - signed by John F. Kennedy. Eighteen additions have been added, making it worse, up to and including 1986. It is very viable and forms basis for President Bush's Summit Conferences. It calls for the elimination of our armed forces, permanently transferring them to the United Nations!

PAGE 3

September 26, 1961

Pub. Law 87-297

consultants by section 4(d) of the Act. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace.

## TITLE III—FUNCTIONS

### RESEARCH

SEC. 31. The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 35 of this Act. In carrying out his responsibilities under this Act, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control and disarmament:

- the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;
- the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;
- the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;
- the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;
- the structure and operation of international control and other organizations useful for arms control and disarmament;
- the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;
- the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;
- the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;
- the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;
- the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

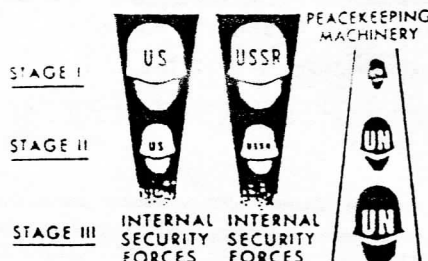
Civilian owned guns will also be prohibited and confiscated.

Los Angeles Times

FINAL

## U.S. TO PROPOSE END OF NATIONAL ARMIES

### U.S. THREE-STAGE DISARMAMENT PLAN



Plan for U.N. Peace Force Ready to Be Submitted at Geneva

The plan is to bring the U.S. to a "zero" military in 3 stages!

## Moore KOs Lavorante in 10th

LATE NEWS RACING

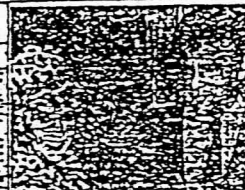
Los Angeles Times

MID-DAY

## U.S. FORMULA FOR PEACE

### One Military Force Under U.N. Control

News Summary



MTA Boosts Street Car Buses

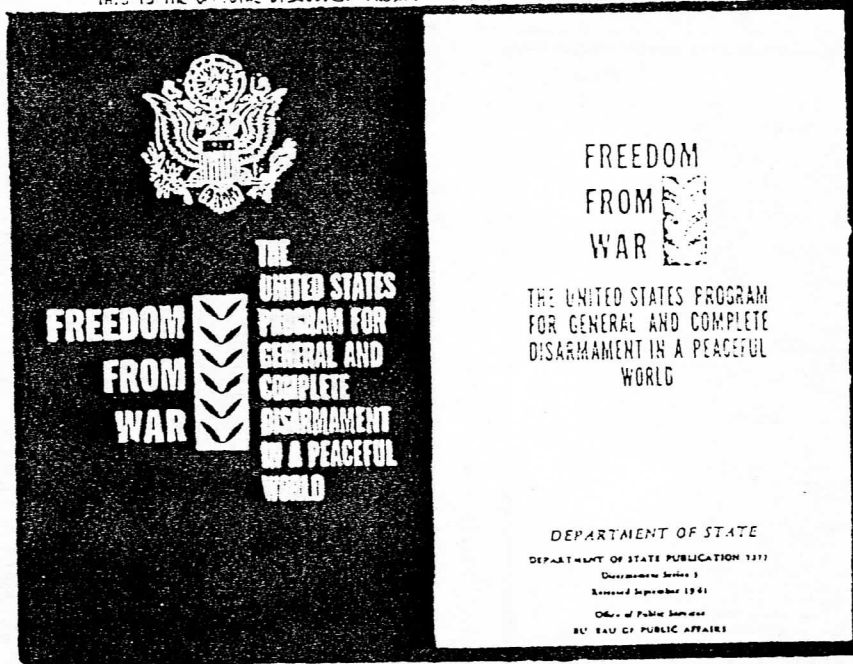
Plan Will Be Offered Geneva Conference to Counter Soviet Treaty

March 31, 1962

# THIS IS STATE DEPT. DOCUMENT NUMBER 7277\*

This document ac-  
companies Public  
Law 87-297.)

THIS IS THE OFFICIAL DOCUMENT PROGRAM THE U.S. GOVERNMENT IS ENGAGED IN.



## THE UNITED STATES PROGRAM FOR GENERAL AND COMPLETE DISARMAMENT IN A PEACEFUL WORLD \*

\* THIS PUBLICATION  
IS AN ABRIDGEMENT  
OF THE "BLUEPRINT  
FOR THE PEACE RACE"  
WHICH IS MORE EX-  
PLICIT.

- The dismantling or the conversion to peaceful uses of certain military bases and facilities wherever located; and

Pg.  
9

### DISARMAMENT STAGES

The program provides for progressive disarmament steps to take place in three stages and for the simultaneous strengthening of international institutions.

Pg.  
5

Inspection and verification must establish both that nations carry out scheduled limitations or reductions and that they do not retain armed forces and armaments in excess of those permitted at any stage of the disarmament process; and

Pg.  
5

As states relinquish their arms, the United Nations must be progressively strengthened in order to improve its capacity to assure international security and the peaceful settlement of disputes;

Pg.  
5

Disarmament must proceed as rapidly as possible, until it is completed, in stages containing balanced, phased, and safeguarded measures;

Pg.  
5

Each measure and stage should be carried out in an agreed period of time, with transition from one stage to the next to take place as soon as all measures in the preceding stage have been carried out and verified and as soon as necessary arrangements for verification of the next stage have been made;

Pg.  
5

All items above have been clipped from the

The disbanding of all national armed forces and the prohibition of their reestablishment in any form whatsoever other than those required to preserve internal order and for contributions to a United Nations Peace Force;

Pg.  
5

The peace-keeping capabilities of the United Nations would be sufficiently strong and the obligations of all states under such arrangements sufficiently far-reaching as to assure peace and the just settlement of differences in a disarmed world.

Pg.  
10

The manufacture of armaments would be prohibited except for those of agreed types and quantities to be used by the U.N. Peace Force and those required to maintain internal order. All other armaments would be destroyed or converted to peaceful purposes.

Pg.  
10

Measures would be taken to develop and strengthen United Nations arrangements for arbitration, for the development of international law, and for the establishment in Stage II of a permanent U.N. Peace Force.

Pg.  
7

States would retain only those forces, non-nuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a

Pg.  
c



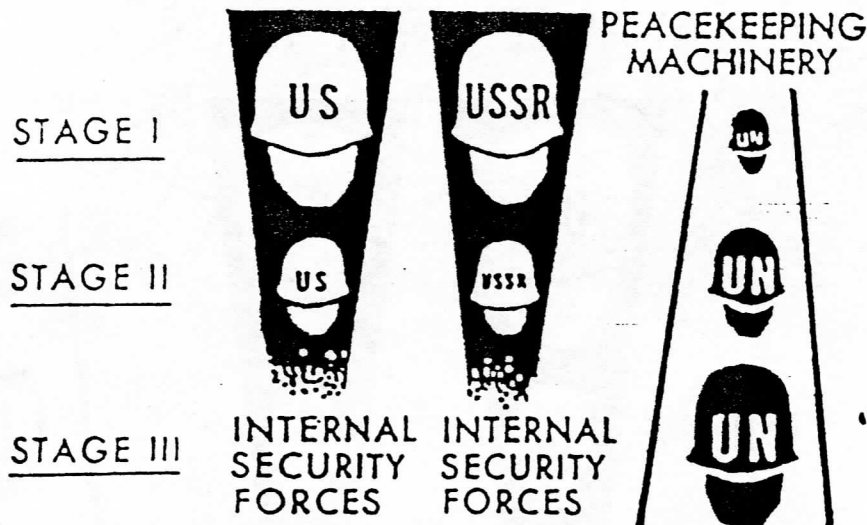
**NO ARMY**

**NO NAVY**

**NO AIR FORCE**

(AND NO GUNS FOR THE CITIZENS)

## U.S. THREE-STAGE DISARMAMENT PLAN



The above diagram was taken from the "Second Annual Report to Congress" January 1, 1962 - December 31, 1962 - United States Arms Control & Disarmament Agency - Publication 14, February 1963, Page 11.

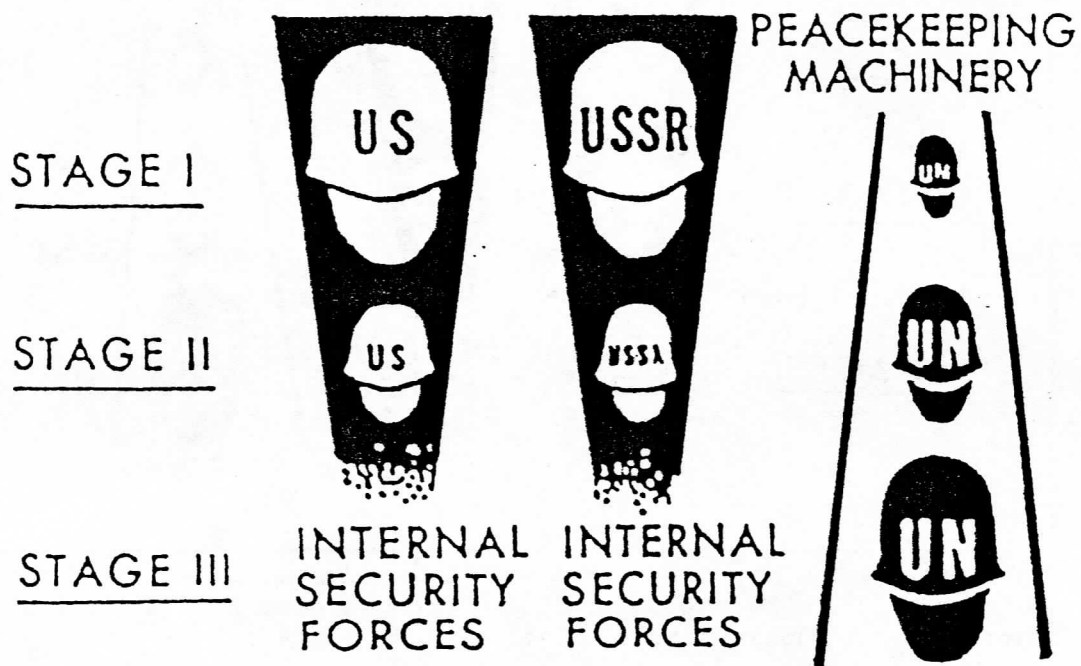
# New World Order

As you read the above diagram, across the span of the three helmets on a horizontal plane, notice that nations go through a reduction in all three stages until there are Z-E-R-O armed forces in the third stage while the Peacekeeping Machinery becomes increasingly strengthened for COMMAND under the Security Council of the COMMUNIST-CONTROLLED United Nations. It is planned that the United States shall be permanently WITHOUT AN ARMY, A NAVY AND AN AIR FORCE. The Internal Security Forces that are to be assigned the duty of keeping order MAY OR MAY NOT be U.S. citizens. Martial rule shall prevail throughout the United States. Long guns and collector's items MUST also be banned so that the Internal Security Forces CANNOT BE CHALLENGED BY THE CITIZENS. Consult your local librarian or your U.S. Congressman for a copy of these important documents which show how the United States' military might is to be TRANSFERRED to INTERNATIONAL CONTROL.

Tell your congressman that THIS IS AGAINST THE LAW. Tell him to repeal Public Law 87-297 and all the Amendments to that law.

# THE UNITED STATES PROGRAM FOR GENERAL AND COMPLETE DISARMAMENT IN A PEACEFUL WORLD

## U.S. THREE-STAGE DISARMAMENT PLAN



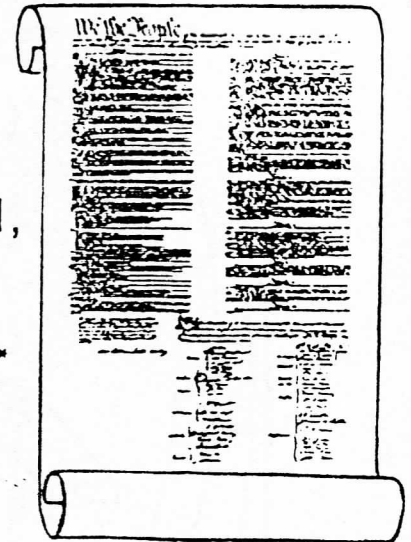
(a) Disbanding of armed forces, dismantling of military establishments, including bases, cessation of the production of armaments as well as their liquidation or conversion to peaceful uses;

Armed forces would be cut to a level of 2,100,000 men each for the Soviet Union and United States in the first stage, to 1,050,000 in the second stage, and to zero, except for small internal security and U.N. Peace Force contingents, in the third. Similar reductions in all of the foregoing categories would also have to be applied to other militarily significant powers in the second stage and to all states in the third stage.

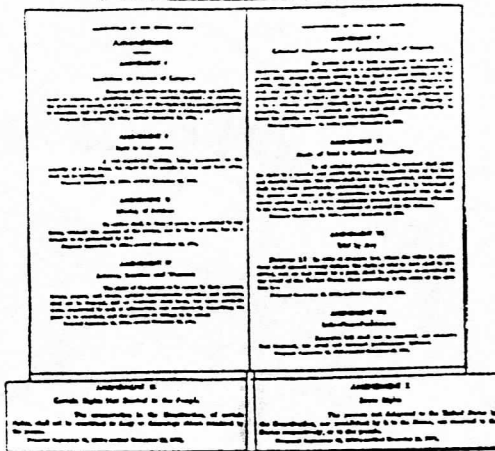
Plans call for 3 years between each stage once it has begun to proceed, however that could change.

# THREE UNANSWERED QUESTIONS:

1. IF THE PRESIDENT OF THE UNITED STATES WAS NEVER GIVEN THE POWER TO DESTROY THE UNITED STATES CONSTITUTION, THEN HOW CAN HE BE ALLOWED TO SIGN OUR ARMED FORCES AWAY IN ACCORD WITH PUBLIC LAW 87-297?



## THE BILL OF RIGHTS



2. IF THE SECOND AMENDMENT IS UNALIENABLE AND UNREPEALABLE, THEN HOW CAN A "GENERAL & COMPLETE DISARMAMENT PROGRAM" BE EFFECTED IN ACCORD WITH PUBLIC LAW 87-297?

✓  
Trygve Lie, has written a book in which he tells about a "deal" between the "American Delegate" (Hiss), and the "Soviet Delegate" (Molotov) that the HEAD OF THE UNITED NATIONS' MILITARY STAFF SHOULD ALWAYS BE A COMMUNIST (see page 45, -- "In the Cause of Peace" by Trygve Lie.)

## Patriotism And Presidents

Patriotism means to stand by the country.

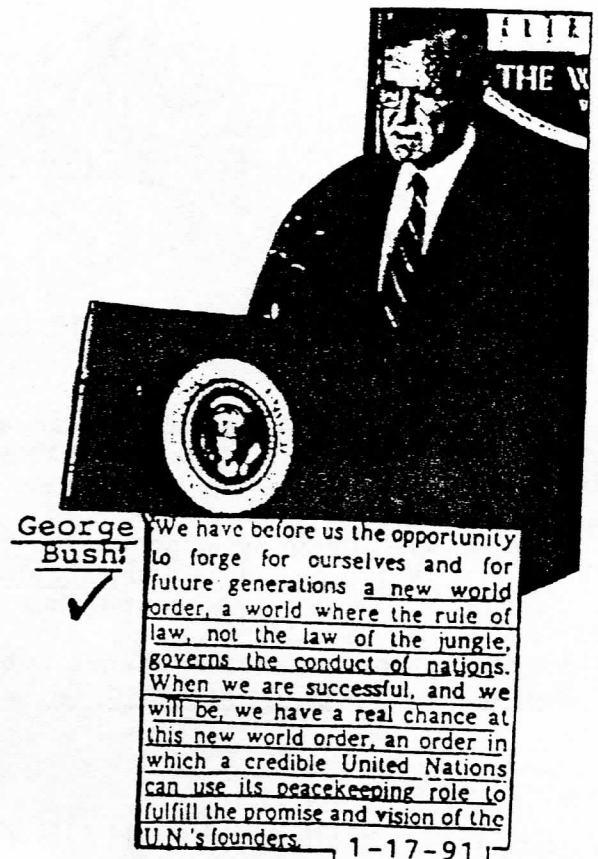
It does not mean to stand by the President or any other public official save exactly to the degree in which he himself stands by the country.

It is patriotic to support him insofar as he efficiently serves the country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise he fails in his duty to stand by the country.

In either event, it is unpatriotic not to tell the truth—whether about the President or anyone else—save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown to him.

—THEODORE ROOSEVELT

\*One of the purposes of the military is to guard the existence of the Constitution. If the United States gives up its armed forces, that will mark the end of our sovereignty.

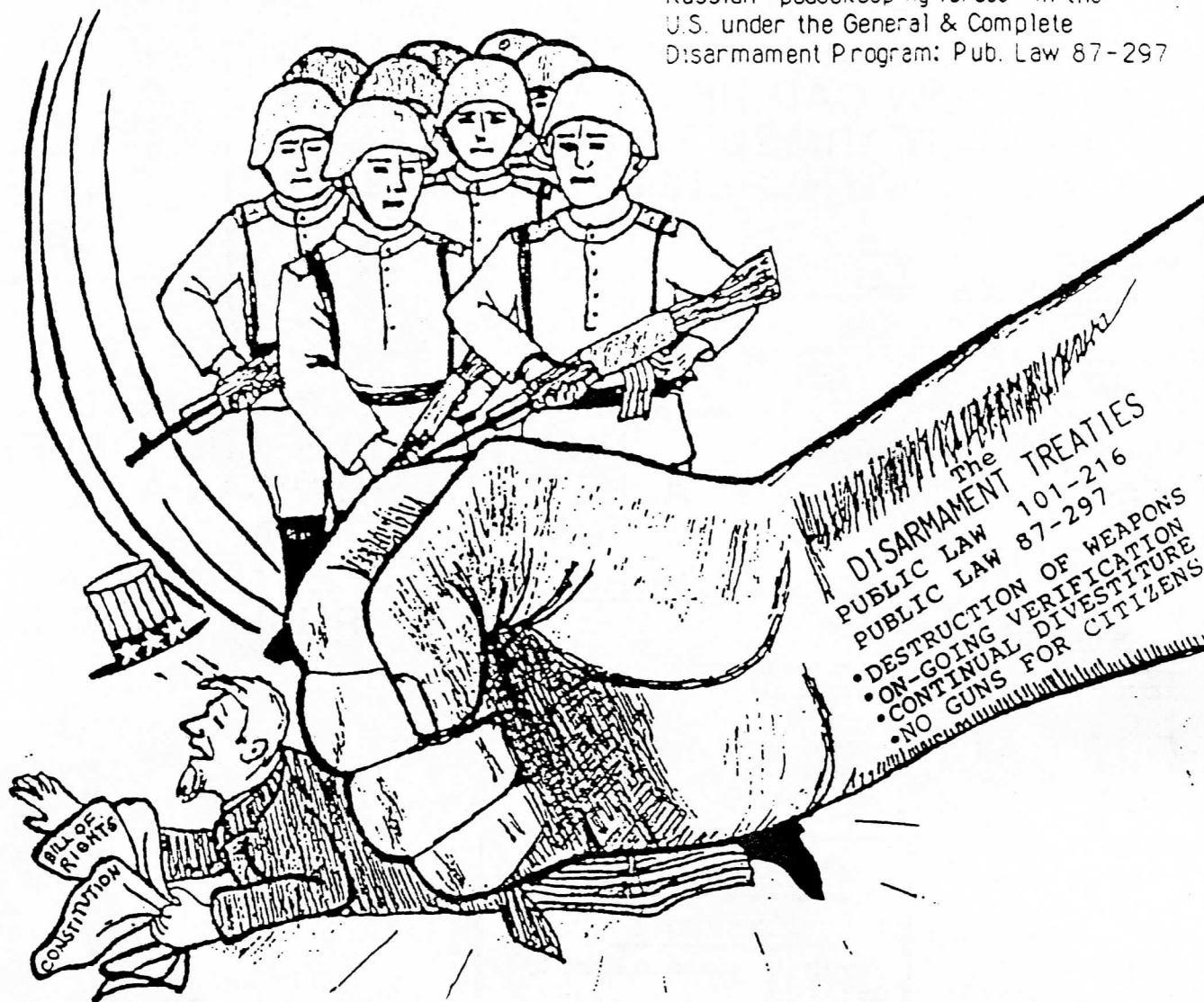


The promise and vision of the Constitution's founders is superior to those of U.N.'s founders



# THE MOST SPECTACULAR PEACE MOVEMENT ON RECORD

Russian "peacekeeping forces" in the  
U.S. under the General & Complete  
Disarmament Program: Pub. Law 87-297



Dimitri Z. Manuisky of the Lenin School of Political Warfare in Moscow said:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 to 30 years. To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep.

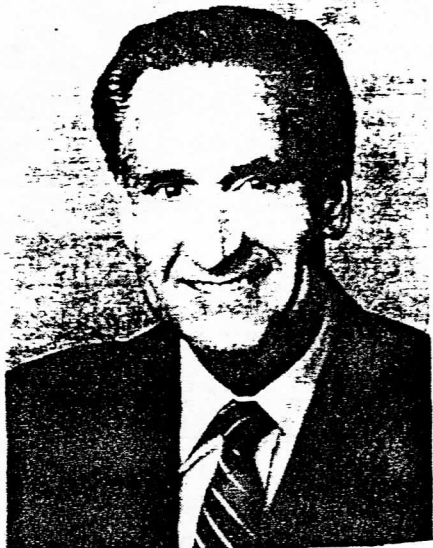
"So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. Then capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction.

"They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

*The Evening Outlook Monday August 5, 1963*

# 3.

IT ISN'T NECESSARY FOR US TO PROVE INTENT! ALL THAT IS  
NECESSARY FOR US TO PROVE IS: "IS THE CAPABILITY THERE?"



....Sen. Don Rogers

DON'T WAIT UNTIL  
HOUSE-TO-HOUSE  
SEARCHES BEGIN!  
YOU STILL HAVE A CHANCE  
TO PROTECT YOURSELF  
AND TO INSURE  
THE SAFETY OF OUR STATE

"The 2nd Amendment in the *Bill of Rights* is one of the clearest Amendments in the Constitution, and it prohibits us in the service of the people from denying to them the exercise of this right." ....Senator Don Rogers

"There is no question in my mind that the people who want to ban some weapons and register all other guns have a hidden agenda. At some point they would confiscate *all* weapons from good law-abiding Californians." ....Sen. Don Rogers

Dear Fellow Californians:

January 15, 1993

This letter is being addressed to *both*, gunowners and non-gunowners, because if *all* firearms *are* taken away, it will affect the safety of *all* the people! Without firearms we could not have kept our Constitution and our Bill of Rights as long as we have. are being told that *some* firearms are being banned due to crime. Make no mistake it: The motive of those who are working to restrict possession of firearms is act gradually take away *all* firearms! Soft laws promote crime! Taking firearms away from the law-abiding people, does nothing but increase the number of unarmed victims.

Judging from known policies, if firearms of the law-abiding get taken away, most private ownership of land would be the next thing to go! Little, do some non-gunowners realize how much they have been protected by those who do have guns. Unless the Roberti-Roos bill is repealed, *all* the guns will be taken away, because it is an ended bill, and has the capability of wiping out all firearms! The Roberti-Roos bill is a blank check and it was passed in order to gradually implement the goals of Public Law 102-321, 87-297, a federal law, calling for general and complete disarmament of the nation. Once the nation is disarmed, foreign soldiers will be permanently stationed in the States to insure that our country and our people remain disarmed. When we reach a point wherein foreign troops are being readied to be brought in to police our citizens, we will be in a downright serious situation which needs to be known. We have reached that point The best thing we can do to protect ourselves is to get the Hanford Initiative enacted as a California law. The first thing that would happen would be that the Roberti-Roos bill be instantly wiped out on the day that the Hanford Initiative is voted into law all other bills that infringe would also be wiped out. The initiative drive is on and is growing stronger with each passing day. Money has been slow coming in and the Senate Amendment Committee did not receive enough donations with which to employ paid signature gatherers. It is next to impossible to get an initiative measure qualified without the use of full time paid circulators. However, if the issue is a strong one, it can be done with volunteers, but it takes a whole lot of volunteers. That is why we are contacting you. We need your help!

You will find enclosed with this letter, a sheet captioned :

United States Program For General & Complete Disarmament In a Peaceful World".

(Note: There is no question as to the authenticity of the document displayed. Doubters are urged to consult their local librarian and ask her to provide a copy of the two federal Public Laws listed for inspection. Or consult the United States Code Books for Title 22 Sec 2551.)

On the reverse side of it, a current newspaper item will be found relating to the "Soviet-American Police Exchange Program". This gives evidence of the degree to which the General and Complete Disarmament Program has progressed. Our California Highway Patrol, Sheriffs, and Municipal Police Systems have been undergoing studies, transition, and exchanges with the Russian Militiamen. This is a part of the Verification written into later amendments of Public Law 87-297 which was engineered to prevent each country and its citizens from re-arming.

The treaties elevating Pub Law 87-297 are now in effect See Title III Sec.33

The Program For General & Complete Disarmament has been elevated to treaty status which means the disarmament program ranks higher in power than our State Constitutions and is more expansive. Treaties are enforceable upon individuals, just as the laws of the state. They can wipe out all the guns all at once all over the nation (unless someone takes an unprecedented action like the Hanford Initiative and steps in to save a State).

The Hanford Initiative was written to protect us against this situation.

The Hanford Initiative invokes the protective superior power of the Bill of Rights for the State of California. While it is true that a treaty supersedes all provisions in a State Constitution, no treaty has power over the Bill of Rights. No treaty can repeal a provision or right listed in our Bill of Rights. By the Reaffirmation (first clause in the Hanford Initiative) the protections of the Bill of Rights are invoked and no law-abiding person in the State of California can be forced to disarm or have his rights infringed by any sort or kind of infringing legislation. This is the power of the Hanford Initiative. The reason that the recharging of the Bill of Rights is necessary using the Hanford Initiative is because the Bill of Rights has been judicially eschewed. It is the right time and the duty of the state and its citizens to stand against federal intrusion into the Bill of Rights.

**April 27, 1992 UPDATE**

At the time the initiative drive was in circulation, this letter accompanied our Hanford Initiatives. During the drive the effort was two-fold. Not only were we circulating for signatures to qualify the Hanford Initiative, we were also conducting an information campaign so that the gun owners could inform the non-gun owning people as to the serious nature of the effort by government to take away firearms from the law-abiding people. The situation is too serious for the public not to be told what is going on in government. Meanwhile, a bill has been taken out by a Congressman in the State of New York, HJR 438, which proposes an amendment to the Constitution of the United States repealing the 2nd Amendment in the Bill of Rights. Our committee has prepared a paper in opposition to this effort by Representative Major Owens, Democrat. The 2nd Amendment Committee of Hanford, California has also been alerting gun owners throughout the nation of the unwise acceptance of "state preemption" legislation. "State preemption" gives the state authority over people's firearms. If the people voted to accept such legislation in their state, there is a possibility that the state legislature will claim that the people in so doing have transferred authority over their firearms into the hands of the legislators of those respective states. If HJR 438 does get passed out of Congress and is sent around to the legislators, the danger is very real that the legislators may assume that they have the right to repeal the Second Amendment. It is now most urgent that the people in any state, with "state preemption" activity or "state controlled right" provisions, take action to get the Hanford Initiative enacted into law in order to sustain the power of the original protective fundamental law as conceived by the founding fathers. For their own protection, EVERY state should enact the Hanford Initiative into law.

*Don Rogers*  
Don Rogers

SECOND AMENDMENT COMMITTEE

*Bernadine Smith*  
Bernadine Smith

P.O. BOX 1776

HANFORD, CALIF. 93232

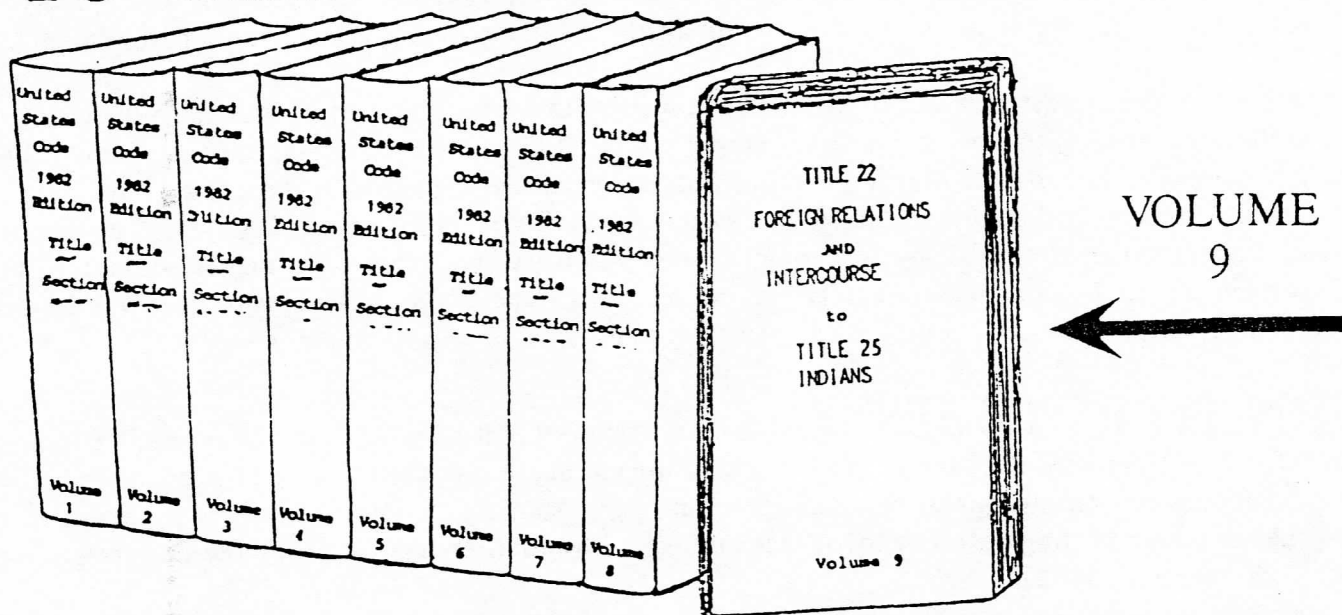
**ENACT**

NOW YOU KNOW WHAT YOU ARE UP AGAINST

**THE HANFORD INITIATIVE**



# DO YOU WANT TO KNOW WHY PUBLIC OFFICIALS ARE VOTING TO TAKE AWAY YOUR FIREARMS?



If you do want to know why, go to your local library, no matter where you live in the United States. Tell the librarian to show you where the *United States Code* books are shelved. There are 25 books in the set. They are reddish-brown in color. They are printed by the Government Printing Office in Washington, D.C. These hard-covered books are printed every 8-10 years. They are updated with annual soft-back supplements each year until a new hard-cover issue comes out. At the present time the 1982 hardbacks are on the library shelves.

**OPEN VOLUME 9.** The page numbers are set in the center near the middle binding. The section numbers (§) are along the edges.

**TURN TO PAGE 554.** Here you will find Public Law 87-297 which calls for the United States to eliminate its armed forces. This law was signed for the United States in 1961. John F. Kennedy signed it and every president since has worked to enact its provisions. The government knows you will not approve which is why they want to take away your firearms. (This is Title 22 USC Section 2551)

**TURN TO PAGE 555.** Here you will find the definition of what the government means by "disarmament." Find it on the lower right hand side of the page. The disarmament calls for the elimination of our armed forces. It also calls for the elimination of weapons of all kinds. (This is Title 22 USC 2552 (a) )

**TURN TO PAGE 557.** Here you will find it stated as *Item (a)* "...Control, reduction and elimination of armed forces..." and as *Item (d)* "...Elimination of armed forces...". What you need to know is that your armed forces are being eliminated from national control which, in turn, wipes out our sovereignty as a nation. In two stages we shall have no more army, no more navy, and no more air force. In the third stage we shall have a "zero" military. Before Stage I closes, all citizen-owned guns will be banned. (This is Title 22 USC Section 2571 (a) )

## HOW SAFE WILL YOU BE THEN?

Notes: The 1988 U.S. Code Books are now in your library. Find Pages 651, 652, 654 & 655

# UNLESS YOU KNOW THIS...YOUR GUNS ARE GONE

Public law 87-297 is further explained in the State Department Document, called Publication 7277. Your librarian can also furnish you a copy. Ask the librarian to get you a copy of *"The Blueprint for the Peace Race."* It is a 35-page booklet, printed by the United States Arms Control & Disarmament Agency as *Publication No. 4 - General Series 3 - Released May, 1962*. Publication No. 4 is the unabridged version of State Department Document 7277.

Both of these booklets explain how our military is to be reduced to 2.1 million men. China and the Soviets are to reduce to that level also. At this point, we are in Stage I at which time we are to transfer (on a permanent basis) one-half of our armed forces to be merged with the Russian and Chinese armies. In Stage II the remaining one-half of our armed forces is then turned over to this same Security Council of the United Nations. The person in charge of the merged armies must, by agreement, always be a Russian. The world's smaller nations turn 100% of their armies over to the same under-secretary of the Security Council in Stage II. President George Bush and Admiral Wm. J. Crowe refer to this process as being "in transition."

**TURN TO PAGE 558.** On this page in Volume 9 of the *United States Code*, read "Policy Formation." The directives there (written in 1963 to pacify objectors) are supposedly to restrain anyone from disarmament, reducing or limiting our armaments, or taking guns from the people unless it is pursuant to the treaty-making power of the president, or if it is authorized by further legislation by the Congress. (This is Title 22 Section 2573)

Every couple of years the House of Representatives votes to appropriate funds for this on-going program. Since P.L. 87-297 was first passed into law in 1961, there have been 18 updates to it—all bad—with no deletions of these issues I lay before you now. The Congress knows that the plan includes the policing of the United States by foreign troops. (The world army they are forming.) The Congress is allowing our military bases to be closed down, except for those which will be used by the world army. You will find that plan in Publication 7277 and in *"The Blueprint for the Peace Race."*

If George Bush and the Congress can promote a "Constitutional Convention" you will find yourself with two new constitutions (communist in structure) which in one states, in Article VIII, Section 12: "No person shall bear arms or possess lethal weapons except the police and members of the armed forces..." The Congress has praised these documents and is on record in Senate hearings seeking ways to install these constitutions. Ask your librarian for *"Revision of the United Nations Charter - Hearings Before a Subcommittee (Foreign Relations) Feb. 2-20, 1950 U.S. Government Printing Office."* Nothing has changed since. They are still viable.

As a matter of fact, George Bush's father helped push P.L. 87-297 through in the Congress when he was the Senator from Connecticut (Senator Prescott Bush). The librarian can furnish you with a copy of the voting record of P.L. 87-297.

**THERE HAS NEVER BEEN ANY "CONSENT OF THE GOVERNED" TO ALLOW THESE PLANS TO BE IMPLEMENTED. RUSSIA IS NOT MOVING AWAY FROM COMMUNISM. THAT IS PROPAGANDA.**

Unless I can make you understand what is going on with the treaty process, you can still lose your firearms. I wrote the legislation to stop the process as the first disarmament treaty (The INF-Treaty - No. 100-11-1988) was being enacted. State Senator Donald Rogers introduced it in the California Legislature, but Senator Roberti and Senator Petris killed the bill in committee (S.J.R. 42). NOW, GO TO THE LIBRARY!

te: If you have difficulty finding these references, ask your Librarian to get them. Give her Title & Section.

*Bernadine Smith*

FROM: David M. Dodge, Brewster, New York 10509

Article XIII - Title of Nobility - an update, July 3, 1993

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office of emolument of any kind whatever, from any emperor, king, prince or foreign power, such persona shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

The following states and/or territories have published the Titles of Nobility (TON) amendment in their official publications and ratified amendments to the Constitution of the United States.

Connecticut	1821, 1824, 1835, 1839 disappeared in 1849
Florida	1823, 1825
Georgia	1819, 1822, 1846
Illinois	1823, 1825
Indiana	1832, 1838
Iowa	1839, 1843
Kansas	1855, 1861
Kentucky	1822
Maine	1825, 1831
Massachusetts	1833
Michigan	1833
Missouri	1825, 1835, 1840, 1841, 1845
Nebraska	1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862
Northwestern Territories	1833
Ohio	1819, 1824, 1831, 1833, 1848
Pennsylvania	1818, 1824
Rhode Island	1822
Virginia	1819 (ratification by 13th State)
Wisconsin	1839
Wyoming	1876

Totals 21 states in 34 separate official government publications.

Additional Publications:

The History of The World; Samuel Maunder, Baltimore, 1856, Vol. II, p. 462.

The Rights of an American Citizen, Benj. Oliver, Counsellor at Law, Boston, 1832, p. 89.

Laws of the United States of America, vol. I, Bioren and Duane, Philadelphia & Washington, 1813, vol. I, p. 74 (See Note.)

The American Politician, M. Soars, Boston, 1842, p. 27.

Constitution of the United States, C. A. Cummings, Lynn, Moss, not dated, p. 35.

Duane, the grandson of Benjamin Franklin, was aware of Virginia's plan to ratify this amendment because of the conduct of her two senators on the voting instructions of the General Assembly concerning the renewal of the charter of the Bank of the United States. Currency manipulation led failure to numerous banks and in turn, to many personal bankruptcy, including that of Thomas Jefferson. The allegiance of self-serving attorneys has always been with the money state, whether pharaoh, caesar, monarch, or corporate monopoly. It is a state contrary to the people, except maybe a few. Because the laws were a five volume leather-bound set, it does not appear until late in 1817 - almost one and a half years prior to Virginia's ratification. Unlike other ratifying states, Virginia was the key state. Thus, the task of republication of her laws took longer than expected, resulting in the premature publication in Pennsylvania and Washington, and, a congressional inquiry in 1818 which is cited as the definitive authority on this amendment's ratification. See, Vol. IV, 1st session, 15th Congress, No. 76.

The Court, in Horst v. Moses, 48 Ala. 129, 142 (1872) gave the following description of a title of nobility:  
To confer a title of nobility is to nominate to an order of persons to whom privileges are granted at the expense of the rest of the people, while necessarily hereditary, and the objection to it arises more from the privileges supposed to be attached, than to the otherwise empty title or order. these components are forbidden separately in the terms "privilege", "honor", and "emoluments", as they are collectively in the term "title of nobility". The prohibition is not affected by any consideration paid or rendered for the grant.

Bouvier's Law Dictionary, 15th Edition, vol. I, (1885) lists the due process amendments as V and XV (XV was re-numbered to 14) on p. 571.

The prohibition of titles of nobility stops the claim of dominant domain through fictions of law, Eminent domain is the legal euphemism for expropriation, an unreasonable seizure given a notion by the targets of this amendment,

(See Acts of Virginia, Feb. 20, 1812, p. 143, et seq.)

In the Congressional Record of March 17, 1993, p. 1303H, it is reported:

Mr. TRAFICANT, Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees presiding over the greatest re-organization of any bankrupt entity in world history, the U.S. Government. We are setting forth hopefully a blue-print for our future. There are some who say it is a coroner's report that will lead to our demise.

The lawyers admit that the collapse of every great civilization occurred after they were granted an ex officio monopoly in the courts.



TO: WM Cooper  
FR: Bob Ross

JOHN B. NELSON

TO: The American National People,  
The People Of The State Of Colorado,  
U.S.A.

FEBRUARY 21, 1992

DECLARATION OF CAUSE AND NECESSITY TO ABOLISH  
AND  
DECLARATION OF SEPARATE AND EQUAL STATION

I have enclosed Senate Report No. 93-549, 93rd Congress, 1st Session (1973), "Summary Of Emergency Power Statutes", consisting of 607 pages, which I believe you will find most interesting. The United States went "Bankrupt" in 1933 and was declared so by President Roosevelt by Executive Orders 6073, 6102, 6111 and by Executive Order 6260 on March 9, 1933 (See: Senate Report 93-549, pgs. 187 & 594), under the "Trading With The Enemy Act" (Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 6, 1917), and as codified at 12 U.S.C.A. 95a. On May 23, 1933, Congressman, Louis T. McFadden, brought formal charges against the Board of Governors of the Federal Reserve Bank system, the Comptroller of the Currency and the Secretary of the United States Treasury for criminal acts. The petition for Articles of Impeachment was thereafter referred to the Judiciary Committee, and has yet to be acted upon. (See: Congressional Record, pp. 4055-4058) Congress confirmed the Bankruptcy on June 5, 1933, and impaired the obligations and considerations of contracts through the "Joint Resolution To Suspend The Gold Standard And Abrogate The Gold Clause, June 5, 1933", (See: House Joint Resolution 192, 73rd Congress, 1st Session) The several States of the Union pledged the faith and credit thereof to the aid of the National Government, and formed numerous socialist committees, such as the "Council Of State Governments", "Social Security Administration" etc., to purportedly deal with the economic "Emergency." These Organizations operated under the "Declaration

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Of INTERdependence" of January 22, 1937, and published some of their activities in "The Book of the States." The 1937 Edition of the Book of the States openly declared that the people engaged in such activities as the Farming/Husbandry Industry had been reduced to mere feudal "Tenants" on their Land: Book Of The States, 1937, pg. 155. This of course was compounded by such activities as price fixing wheat and grains 7 U.S.C.A. 1332, quota regulations 7 U.S.C.A. 1371, and livestock products 7 U.S.C.A. 1903, which have been consistently below the costs of production, interest on loans and inflation of the paper "Bills of Credit", leaving the food producers and others in a state of peonage and involuntary servitude, constituting the taking of private property, for the benefit and use of others, without just compensation.

NOTE: The Council Of State Governments has now been absorbed into the such things as the "National Conference Of Commissioners On Uniform State Laws", whose Headquarters Office is located at 676 North St. Clair Street, Suite 1700, Chicago, Illinois 60611, and "all" being "members of the Bar", and operating under a different "Constitution And By-Laws", far distant from the depositories of the public Records, has promulgated, lobbied for, passed, adjudicated and ordered the implementation and execution of their purported "Uniform" and "Model" Acts and pretended statutory provisions, to "help implement international treaties of the United States or where world uniformity would be desirable." (See: 1990/91 Reference Book, National Council Of Commissioners On Uniform State Laws, pg. 2) This is apparently what Robert Bork meant when he wrote "we are governed not by law or elected representatives but by an unelected, unrepresentative, unaccountable committee of lawyers applying no will but their own." (See: The Tempting Of America, Robert H. Bork, pg. 130) This association has been engaged in activities such as turning "Marriage" (licensed) into "International Private Law", through its International Liaisons, which meet at such places as the Hague Conferences. (See: Handbook Of Commissioners On Uniform State Laws, 1966 Ed., pg. 156 - 157)

On April 25, 1938, the supreme Court overturned the standing

precedents of the prior 150 years concerning "common law," in the federal government.

"THERE IS NO FEDERAL COMMON LAW, and CONGRESS HAS NO POWER TO DECLARE SUBSTANTIVE RULES OF COMMON LAW applicable IN A STATE, WHETHER they be LOCAL or GENERAL in their nature, be they COMMERCIAL LAW OR a part of the LAW OF TORTS." (See: Erie Railroad Co. vs. Tompkins, 304 U.S. 64, 82 L.Ed. 1188)

The Common Law is the fountain source of Substantive and Remedial Rights, if not our very Liberties. (See: Stephen, A Treatise On The Principles Of Pleading, Introduction, pg. 23; Hemmingway, History Of Common Law Pleading As Evidence Of The Growth Of Individual Liberty And Power Of The Courts, 5 Alabama Law Journal 1; Swift vs. Tyson, 16 Peters 1, 10 L.Ed. 865; Constitution, Article III, Section 2, Amendments VII, IX and X)

The members and association of the Bar thereafter formed committees, granted themselves special privileges, immunities and franchises, and held meetings concerning the Judicial procedures, and further, to amend laws "to conform to a trend of judicial decisions or to accomplish similar objectives", including hodgepodging the jurisdictions of Law and Equity together, which is known today as "One Form Of Action." (See: Constitution And By Laws, Article 3, Section 3.3(c), 1990-91 Reference Book, supra, see also, Colorado Methods of Practice, West Pub., Vol. 4, pgs. 2 -3, Authors Comments)

NOTE: The enumerated, specified and distinct Jurisdictions established by the ordained Constitution (1789), Article III, Section 2, and under the Bill of Rights (1791), Amendment VII, were further hodgepodged and fundamentally changed in 1982 to include Admiralty jurisdiction, which was once again brought inland.

"This is the FUNDAMENTAL CHANGE necessary to effect unification of Civil and ADMIRALTY PROCEDURE. Just as the 1938 Rules ABOLISHED THE DISTINCTION between actions At Law and suits in Equity, this CHANGE WOULD



ABOLISH THE DISTINCTION between CIVIL actions and suits in ADMIRALTY."

(Federal Rules Of Civil Procedure, 1982 Ed., pg. 17, also see, Federalist Papers No. 83; Declaration Of Resolves Of The First Continental Congress; Oct. 14, 1774, Declaration Of Cause And Necessity Of Taking Up Arms; July 6, 1775, Declaration Of Independence; July 4, 1776, Bennet vs. Butterworth, 52 U.S. 669)

The United States thereafter entered the second World War during which time the "League of Nations" was reinstituted under pretense of the "United Nations" (See: 22 U.S.C.A. 287 et. seq.), and the "Bank For International Settlements" reinstituted under pretense of the "Bretton Woods Agreement" (See: 60 Stat. 1401, 22 U.S.C.A. 286 et. seq.) as the "International Monetary Fund" (The Fund) and the International Bank For Reconstruction And Development" (The Bank).

The United States as a corporate body politic (artificial), came out of World War II in worse economic shape than when it entered, and in 1950 declared Bankruptcy and "Reorganization." The Reorganization is located in Title 5 of United States Codes Annotated. The "Explanation" at the beginning of 5 U.S.C.A. is most informative reading. The "Secretary of Treasury" was appointed as the "Receiver" in Bankruptcy. (See: Reorganization Plan No. 26, 5 U.S.C.A. 903, Public Law 94-564, Legislative History, pg. 5967) The United States went down the road and periodically filed for further Reorganization. Things and situations worsened, having done what they were Commanded NOT to do, (See: Madison's Notes, Constitutional Convention, August 16, 1787, Federalist Papers No. 44) and in 1965 passed the "Coinage Act of 1965" completely debasing the Constitutional Coin (gold & silver i.e. Dollar). (See: 18 U.S.C.A. 331 & 332, U.S. vs. Marigold, 50 U.S. 560, 13 L.Ed. 257) At the signing of the Coinage Act on July 23, 1965, Lyndon B. Johnson stated in his Press Release that:

"When I have signed this bill before me, we will have made the first fundamental change in our coinage in 173 years. The Coinage Act of 1965 supersedes the Act of 1792. And that Act had the title: An Act Establishing a Mint and Regulating the Coinage of the United States...."

"Now I will sign this bill to make the first change in our coinage system since the 18th Century. To those members of Congress, who are here on this historic occasion, I want to assure you that in making this change from the 18th Century we have no idea of returning to it."

It is important to take cognizance of the fact that NO Constitutional Amendment was ever obtained to FUNDAMENTALLY CHANGE, amend, abridge or abolish the Constitutional mandates, provisions or prohibitions, but due to internal and external diversions surrounding the Viet Nam War etc., the usurpation and breach went basically unchallenged and unnoticed by the general public at large, who became "a wealthy man's cannon fodder or cheap source of slave labor." (See: Silent Weapons For Quiet Wars, TM-SW7905.1, pgs. 6, 7, 8, 9, 12, 13 & 56) Congress was clearly delegated the Power and Authority to regulate and maintain the true and inherent "value" of the Coin within the scope and purview of Article I, Section 8, Clauses 5 & 6 and Article I, Section 10, Clause 1, of the ordained Constitution (1787), and further, under a corresponding duty and obligation to maintain said gold and silver Coin and Foreign Coin at and within the necessary and proper "equal weights and measures" clause. (See also: Bible, Deuteronomy, Chapter 25, verses 13 thru 16, Proverbs, Chapter 16, verse 11, Public Law 97-289, 96 Stat. 1211)

Those exercising the Offices of the several States, in equal measure, knew such "De Facto Transitions" were unlawful and unauthorized, but sanctioned, implemented and enforced the complete debauchment and the resulting "governmental, social, industrial economic change" in the "De Jure" States and in United State of America (See: Public Law 94-564, Legislative History,

pg. 5936, 5945, 31 U.S.C.A. 314, 31 U.S.C.A. 321, 31 U.S.C.A. 5112, C.R.S. 11-61-101 C.R.S. 39-22-103.5 and C.R.S. 18-11-203), and were and are now under the delusion that they can do both directly and indirectly what they were absolutely prohibited from doing. (See also, Federalist Papers No. 44, Craig vs. Missouri, 4 Peters 903)

In 1966, Congress being severely compromised, passed the "Federal Tax Lien Act of 1966, by which the entire taxing and monetary system i.e. "Essential Engine" (See: Federalist Papers No. 31) was placed under the Uniform Commercial Code. (See: Public Law 89-719, Legislative History, pg. 3722, also see, C.R.S. 5-1-106) The Uniform Commercial Code was of course promulgated by the National Conference Of Commissioners On Uniform State Laws in collusion with with American Law Institute for the "banking and business interests." (See: Handbook Of The National Conference Of Commissioners On Uniform State Laws, (1966) Ed. pgs. 152 & 153) The United States being engaged in numerous U.N. conflicts, including the Korean and the Viet Nam conflicts, which were under direction of the United Nations (See: 22 U.S.C.A. 287d), and agreeing to foot the bill (See: 22 U.S.C.A. 287j), and not being able to honor their obligations and rehypothecated debt credit, openly and publicly dishonored and disavowed their "Notes" and "obligations" (12 U.S.C.A. 411) i.e. "Federal Reserve Notes" through Public Law 90-269, Section 2, 82 Stat. 50 (1968) to wit:

"Sec. 2. The first sentence of section 15 of the Federal Reserve Act (12 U.S.C. 391) is amended by striking 'and the funds provided in this Act for the redemption of Federal Reserve notes'."

Things steadily grew worse and on March 28, 1970, President Nixon issued Proclamation No. 3972, declaring an "emergency" because the Postal Employees struck against the de facto government(?) for higher pay, due to inflation of the paper



"Bills of Credit." (See: Senate Report No. 93-549, pg. 596) Nixon placed the U.S. Postal Department under control of the "Department of Defense." (See: Department Of The Army Field Manual, FM 41-10 (1969 ed.))

"The System had been faltering for a decade, but the benchmark date of the collapse is put at August 15, 1971. On this day, President Nixon reversed U.S. international monetary policy by officially declaring the non-convertibility of the U.S. dollar [F.R.N.] into gold." (See: Public Law 94-564, Legislative History, pg. 5937 & Senate Report No. 93-549, Foreword, pg. III, Proclamation No. 4074, pg. 597, 31 U.S.C.A. 314 & 31 U.S.C.A. 5112) On September 21, 1973, Congress passed Public Law 93-110, amending the Bretton Woods Par Value Modification Act, 82 Stat. 116, 31 U.S.C.A. 449, and reiterated the "Emergency", 12 U.S.C.A. 95a, and section 8 of the Bretton Woods Agreements Act of 1945 (22 U.S.C.A. 286f), and which included "reports on foreign currency transactions." (Also see, Executive Order No. 10033) This act further declared in Section 2 (b) that:

"No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold."

On January 19, 1976, Marjorie S. Holt noted for the record, a second "Declaration Of INTERdependence" and clearly identified the U.N. as a "Communist" organization, and that they were seeking both production and monetary control over the Union and People through International Organization promoting the "One World Order." (See: Congressional Record, January 19, 1976, Extension of Remarks; also see, 8 U.S.C.A. 1101(40), 50 U.S.C.A. 781 & 783)

The socio/economic situation worsened as noted in the

Complaint/Petition, filed in the U.S. Court of Claims, Docket No. 41-76, on February 11, 1976, by 44 Federal Judges, Atkins et al. vs. U.S.. Atkins et al. complained that "As a result of inflation, the compensation of federal judges has been substantially diminished each year since 1969, causing direct and continuing monetary harm to plaintiffs....the real value of the dollar decreased by approximately 34.5 percent from March 15, 1969 to October 1, 1975....As a result, plaintiffs have suffered an unconstitutional deprivation of earnings", and in the prayer for relief claimed "damages for the constitutional violations enumerated above, measured as the diminution of his earnings for the entire period since March 9, 1969." It is quite apparent that the persons holding and enjoying Offices of Public Trust, Honor and/or Profit knew of the emergency emergent problem and sought protection for themselves, to the damage and injury of the People and Children, who were classified as "a club that has many other members" who "have no remedy." And knowing that "heinous" acts had been committed, stated that they [judges/lawyers] would not apply the Law, nor would any substantive remedy be applied ("checked more or less, but never stopped) "until all of us [judges] are dead." Such persons Fraudulently swore an Oath to uphold, defend and preserve the sovereignty of the Nation and several Republican States of the Union, and breached the Duty to protect the People/Citizens and their Posterity from fraud, imposition, avarice and stealthy encroachment. (See: Atkins et al. vs. U.S., 556 F.2d 1028, pg. 1072, 1074; The Tempting Of America, supra, pgs. 155 -159, also see, 5 U.S.C.A. 5305 & 5335, Senate Report No. 93-549, pgs. 69 - 71, C.R.S. 24-75-101) This is verified in Public Law 94-564, Legislative History, pg. 5944, which states:

"Moving to a floating exchange rate for international commerce means private enterprise and not central governments bear the risk of currency fluctuations."

Numerous serious debates were held in Congress, including but not limited to, Tuesday, July 27, 1976 (See: Congressional Record - House, July 27, 1976), concerning the International Financial Institutions and its operations. Representative, Ron Paul, Chairman of the House Banking Committee, made numerous references to the true practices of the "International" financial institutions, including but not limited to, the conversion of 27,000,000 (27 million) in gold, contributed by the United States as part of its "quota obligations", which the International Monetary Fund (Governor-Secretary of Treasury) sold (See: Public Law 94-564, Legislative History, pg. 5945 & 5946), under some very questionable terms and concessions. (Also see: The Ron Paul Money Book, (1991), by Ron Paul, Plantation Publishing, 837 W. Plantation, Clute, Texas 77531)

On October 28, 1977 the passage of Public Law 95-147, 91 Stat. 1227 declared most banking institutions, including State banks, to be under direction and control of the corporate "Governor" of the International Monetary Fund (See: Public Law 94-564, Legislative History, pg. 5942, Unites States Government Manual 1990/91, pgs. 480-481). The Act further declared that:

"(2) Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b) is amended by striking out the phrase 'stabilizing the exchange value of the dollar'..."

(c) The joint resolution entitled 'Joint resolution to assure uniform value to the coins and currencies of the United States', approved June 5, 1933 (31 U.S.C. 463) shall not apply to obligations issued on or after the date of enactment of this section."

The International Organizations, Corporations and Associations, had refused to pay their debts and could not pay their debts, and determined that they could pass the loss of their non-redeemable, non-current notes, bonds and evidences of debt off on others, and thereby crown their fraud with success. (See: Letter, October 26, 1989, from Department of Treasury,



Russell L. Munk, Assistant General Counsel (International Affairs), as recorded in the Office of Clerk and Recorder, Baca County, Colorado, at Book 540 Page 364) The de facto United States as Corporator, (22 U.S.C.A. 286e, et seq.) and "state" (C.R.S. 24-36-104, C.R.S. 24-60-1301, Article IV(h)) had declared "Insolvency." (See: 26 I.R.C. 165(g)(1), U.C.C. 1-201(23)), C.R.S. 39-22-103.5, Westfall vs. Braley, 10 Ohio 188, 75 Am. Dec. 509, Adams vs. Richardson, 337 S.W.2d 911 Ward vs. Smith, 7 Wall 447)

In 1980 Congress passed, among other things, Public Law 96-221, providing for the furtherance and expansion of the profligate rehypothecated debt pyramid scheme, and reduced the reserve requirements on "transaction accounts" to a minimum of 3% per centum to a maximum of 14 per centum. (See: Depository Institutions Deregulation And Monetary Control Act of 1980, Section 103(b)(E)(2))

"In the United States neither paper currency nor deposits have value as commodities. Intrinsically, a dollar bill is just a piece of paper. Deposits are merely book entries. Coins do have some intrinsic value as metal, but generally far less than their face amount...."

"In the absence of legal reserve requirements, banks can build up deposits by increasing loans and investments so long as they keep enough currency on hand to redeem whatever amounts the holders of deposits want to convert into currency. This unique attribute of the banking business was discovered several centuries ago. At one time, bankers were merely middlemen. They made profit by accepting gold and coins brought to them for safekeeping and lending them to borrowers. But they soon found that the receipts they issued to depositors were being used a money since whoever held them could go to the banker and exchange them for metallic money.

Then bankers discovered that they could make loans merely by giving borrowers their promises to pay (bank notes). In this way, banks began to create money.

More notes could be issued than the gold and coin on hand because only a portion of the notes outstanding would be presented for payment at any one time. Enough metallic money had to be kept on hand, of course, to redeem whatever volume of notes was presented for payment.

Transaction deposits are the modern counter-part of bank notes. It was a small step from printing notes to making book entries to the credit of borrowers which the borrowers, in turn, could "spend" by writing checks, thereby "printing their own money." (See: Modern Money Mechanics, a workbook on deposits currency and bank reserves., 1982 Rev. Ed., Federal Reserve Bank of Chicago, P.O. Box 834, Chicago, Illinois 60690, pgs. 3 & 4)

Fifty nine (59) years is not "temporary." It's a permanent state of "Emergency", and was clearly instituted, formed and erected within the Union through gross usurpations, abridgements, malfeasance and breach of legal duties, and the continual contrivance, misrepresentation, conversion, fluctuations, fraud and avarice of the International Financial Institutions, Organizations, Corporations and Associations, including the Federal Reserve, their "fiscal and depository agent". 22 U.S.C.A. 286d This profligate practice has led to such "Emergency" legislation as the "Public Debt Limit-Balance Budget And Emergency Deficit Control Act of 1985", Public Law 99-177, etc.

The government by becoming a corporator, (See: 22 U.S.C.A. 286e) lays down its sovereignty and takes on that of a private citizen. It can exercise no power which is not derived from the corporate charter. (See: The Bank of the United States vs. Planters Bank of Georgia, 6 L. Ed. (9 Wheat) 244, U.S. vs. Burr, 309 U.S. 242) The real party in interest is not the de jure "United States of America" or "State", but "The Bank" and "The Fund." (22 U.S.C.A. 286, et seq., C.R.S. 11-60-103) The acts committed under fraud, force and seizures are many times done under "Letters of Marque and Reprisal" i.e. "recapture." (See: 31 U.S.C.A. 5323) Such principles as "Fraud and Justice never dwell

together" Wingate's Maxims 680, and "A right of action cannot arise out of fraud." Broom's Maxims 297, 729; Cowper's Reports 343; 5 Scott's New Reports 558; 10 Mass. 276; 38 Fed. 800, are too high of a thought concept, as is "Due Process", "Just Compensation" and Justice itself. Honor is earned by honesty and integrity, not under false and fraudulent pretenses, nor will the color of the cloth one wears cover-up the usurpations, lies, trickery and deceptions. When Black is fraudulently declared to be White, not all will live in darkness. As astutely observed by Will Rogers, "there are men running governments who shouldn't be allowed to play with matches", and is as applicable today as Jesus' statements about Lawyers.

The contrived "emergency" has created numerous abuses and usurpations, and abridgments of delegated Powers and Authority. As stated in Senate Report 93-549:

"Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional process.

Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict

travel; and in a plethora of particular ways, control the lives of all American citizens." (See: Foreword, pg. III)

The "Introduction", on page 1, begins with a phenomenal declaration, to wit:

"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have in varying degrees been abridged by laws brought into force by states of national emergency..."

According to the research done in 16 American Jurisprudence, 2nd Edition, Sections 71 and 82, no "emergency" justifies a violation of any Constitutional provision. Arguendo, "Supremacy Clause" and "Separation of Powers", it is clearly admitted in Senate Report No. 93-549 that abridgment has occurred. The statements heard in the federal and state Tribunals, on numerous occasions, that Constitutional arguments are "immaterial", "frivolous" etc., is based upon the concealment, furtherance and compounding of the Frauds and "Emergency" created and sustained by the "Expatriated", ALIENS of the United Nations and its Organizations, Corporations and Associations. (See: Letter, Insight Magazine, February 18, 1991, pg. 7, Lowell L. Flanders, President, U.N. Staff Union, New York) 8 U.S.C.A. 1481 is one of the controlling statutes on expatriation, as is 22 U.S.C.A. 611, 612 & 613 and 50 U.S.C.A. 781.

The Internal Revenue Service entered into a "service agreement" with the U.S. Treasury Department (See: Public Law 94-564, Legislative History, pg. 5967, Reorganization Plan No. 26) and the Agency for International Development, pursuant to Treasury Delegation Order No. 91. The Agency For International Development is an International paramilitary operation (See: Department Of The Army Field Manual, (1969) FM 41-10, pgs. 1-4,



Treasury Delegation Order No. 91. The Agency for International Development is an International paramilitary operation (See: Department Of The Army Field Manual, (1969) FM 41-10, pgs. 1-4, Sec. 1-7(b) & 1-6, Section 1-10(7)(c)(1), 22 U.S.C.A. 284), and

includes such activities as "Assumption of full or partial executive, legislative, and judicial authority over a country or area." (See: FM 41-10, pg. 1-7, Section 110(7)(c)(4)) also see, Agreement Between The United Nations And The United States Of America Regarding The Headquarters Of The United Nations, Section 7(d) & (8), 22 U.S.C.A. 287 (1979 Ed.) at pg. 241) It is to be further observed that the "Agreement" regarding the Headquarters District of the United Nations was NOT agreed to (See: Congressional Record - Senate, December 13, 1967, Mr. Thurmond), and is illegally in the Country in the first instant.

The International Organizational intents, purposes and activities include complete control of "Public Finance" i.e. "control, supervision, and audit of indigenous fiscal resources; budget practices, taxation, expenditures of public funds, currency issues, and banking agencies and affiliates." (See: FM 41-10, pgs. 2-30 thru 2-31, Section 251. Public Finance) This of course complies with "Silent Weapons For Quiet Wars" Research Technical Manual TM-SW7905.1, which discloses a declaration of war upon the American people (See: pg. 3 & 7 ), monetary control by the Internationalist, through information etc. solicited and collected by the Internal Revenue Service ( See: TM-SW7905.1, pg. 48, also see, 22 U.S.C.A. 286f & Executive Order No. 10033, 26 U.S.C.A. 6103(k)(4)) and who is operating and enforcing the seditious International program. (See: TM-SW7905.1, pg. 52) The 1985 Edition of the Department Of Army Field Manual, FM 41-10 further describes the International "Civil Affairs" operations. At page 3-6 it is admitted that the A.I.D. is autonomous and under direction of the International Development Cooperation Agency, and at page 3-8 that the operation is "paramilitary." The International Organization(s) intents and purposes was to promote, implement, and enforce a "DICTATORSHIP OVER FINANCE IN THE UNITED STATES." (See: Senate Report No. 93-549, pg. 186)

It appears from the documentary evidence that the Internal Revenue Service Agents etc., are "Agents of a Foreign Principal" within the meaning and intent of the "Foreign Agents Registration Act of 1938." They are directed and controlled by the corporate "Governor" of "The Fund" a/k/a "Secretary of Treasury" (See: Public Law 94-564, supra, pg. 5942, U.S. Government Manual 1990/91, pgs. 480 & 481, 26 U.S.C.A. 7701(a)(11), Treasury Delegation Order No. 150-10), and the corporate "Governor" of "The Bank" 22 U.S.C.A. 286 & 286a, acting as "information-service employees 22 U.S.C.A. 611(c)(11), and have been and do now "solicit, collect, disburse or dispense contribution [Tax-pecuniary contribution, Blacks Law Dict. 5th ed.], loans, money or other things of value for or in interest of such foreign principal 22 U.S.C.A. 611(c)(11), and they entered into agreements with a Foreign Principal pursuant to Treasury Delegation Order No. 91 i.e. the "Agency For International Development." (See: 22 U.S.C.A. 611(c)(2)) The Internal Revenue Service is also an agency of the International Criminal Police Organization, and solicits and collects information for 150 Foreign Powers. (See: 22 U.S.C.A. 263a, The United States Government Manual, 1990/91, pg. 385, see also, The Ron Paul Money Book, pg. 250 - 251) It should be further noted that Congress has appropriated, transferred, and converted vast sums to Foreign Powers (See: 22 U.S.C.A. 262c(b), and has entered into numerous Foreign Taxing Treaties (conventions) (See: 22 U.S.C.A. 285g, 22 U.S.C.A. 287j) and other Agreements, which are solicited and collected pursuant to 26 I.R.C. 6103(k)(4). Along with the other documentary evidence submitted herewith, this should absolve any further doubt as to the true character of the party. Such restrictions as "For the general welfare and common defense of the United States" (See: Constitution (1787), Article I, Section 8, Clause 1) apparently aren't applicable, and the fraudulent rehypothecated debt credit will be merely added to the insolvent nature of the continual "emergency", and the

reciprocal socio/economic repercussions laid upon present and future generations.

Among other reasons for lack of authority to act, such as a Foreign Agents Registration Statement, 22 U.S.C.A. 612 and 18 U.S.C.A. 219 & 951, military authority cannot be imposed into civil affairs. (See: Department Of The Army Pamphlet 27100-70, Military Law Review, Vol. 70) The United Nations Charter, Article 2, Section 7, further prohibits the U.N. from "intervening in matters which are essentially within the domestic jurisdiction of any state..." Korea, Viet Nam, Ethiopia, Angola, Kuwait, etc., etc., are evidence enough of the "BAD FAITH" of the United Nations and its Organizations, Corporations and Associations, not to mention the seizing of two day care centers in the State of Minnesota by their agents, and holding the children as collateral/hostages for payment/ransom of their fraudulent, dishonored, rehypothecated debt credit, worthless securities. Such is the "Rule Of Law" "as envisioned by the Founders" of the United Nations. Such is Communist terrorism, despotism and tyranny. ALL WERE AND ARE OUTLAWED HERE.

I hope this communication finds you well and mentally strong for the occasion. It is quite apparent that the "Treasonous" and "Seditious" are brewing up a storm of untold magnitude. Bush's public address of September 11, 1991 (See: Weekly Compilation Of Presidential Documents), should further qualify what is being said here. He admitted "Interdependence" (See also: Public Law 94-564, Legislative History, pg. 5950), "One World Order" (See also: Extension Of Remarks, January 19, 1976, Marjorie S. Holt, 8 U.S.C.A. 1101(40)), affiliation and collusion with the Soviet Union Oligarchy (50 U.S.C.A. 781), direction by the U.N., 22 U.S.C.A. 611, etc. You might also find it interesting that Treasury Delegation Order No. 92 (enclosed) states that the I.R.S. is trained under direction of the Division of "Human



Resources" (U.N.) and the Commissioner (INTERNATIONAL), by the "Office Of Personnel Management." In the 1979 Edition of 22 U.S.C.A. 287, The United Nations, at pg. 248, you will find Executive Order No. 10422. The Office of Personnel Management is under direction of the Secretary General of the United Nations. And as stated previously, the I.R.S. is also a member in a one hundred fifty (150) nation pact called the "International Criminal Police Organization", found at 22 U.S.C.A. 263a. The "Memorandum & Agreement" between the Secretary of Treasury/Corporate Governor of "The Fund" and "The Bank" and the Office of the U.S. Attorney General would indicate that the Attorney General and his associates are soliciting and collecting information for Foreign Principals. (See also, The United States Government Manual 1990/91, pg. 385, also see, The Ron Paul Money Book, supra, pg. 250, 251, 26 I.R.C. 7401)

It is worthy of note that an Attorney/Representative is required to file a "Foreign Agents Registration Statement" pursuant to 22 U.S.C.A. 611(c)(1)(iv) & 612), if representing the interests of a Foreign Principal or Power. (See: 22 U.S.C.A. 613, Rabinowitz vs. Kennedy, 376 U.S. 605, 11 L. Ed. 2d 940, 18 U.S.C.A. 219 & 951)

On January 17, 1980, the President and Senate confirmed another "Constitution", namely, the "Constitution Of The United Nations Industrial Development Organization", found at Senate, Treaty Document No. 97-19, 97th Congress, 1st Session. A perusal of this Foreign Constitution should more than qualify the internationalist intents. The "Preamble", Article 1, "Objectives" and Article 2, "Functions", clearly evidences their intent to direct, control, finance and subsidize all "natural and human resources" and "agro-related as well as basic industries", through "dynamic social and economic changes" "with a view to assisting in the establishment of a new international economic

order." The high flown rhetoric is obviously of "Communist" origin and intents. An unelected, unrepresentative, unaccountable oligarchy of expatriates and aliens, who fraudulently claim in the Preamble that they intend to establish "rational and equitable international economic relations", yet openly declared that they no longer "stabilize the value of the dollar" nor "assure the value of the coin and currency of the United States" is purely misrepresentation, deceit and fraud. (See: Public Law 95-147, 91 Stat. 1227, at pg. 1229) This was augmented by Public Law 101-167, 103 Stat. 1195, which discloses massive appropriations of rehypothecated debt credit for the general welfare and common defense of other Foreign Powers, including "Communist" countries or satellites, International control of natural and human resources, etc. etc.. A "Resource" is a claim of "property" and when related to people constitutes "slavery."

It is now necessary to ask which Constitution they are operating under. The "Constitution For The Newstates Of The United States", which was located at Liberty Lobby, 300 Independence Ave., SE, Washington, D.C. 20003, was the subject matter of the book entitled "The Emerging Constitution" by Rexford G. Tugwell, which was accomplished under the auspices of the Rockefeller tax-exempt foundation called the "Center For The Study of Democratic Institutions." The People and Citizens of this Nation were forewarned against formation of "Democracies." "Democracies have ever been the spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths". (See: Federalist Papers No. 10, also see, The Law, Fredrick Bastiat, Code Of Professional Responsibility, Preamble) This Alien Constitution, however, has nothing to do with democracy in reality. It is the basis of and for a despotic, tyrannical oligarchy.

Article I, "Rights and Responsibilities", Sections 1 and 15 evidence their knowledge of the "emergency." The Rights of expression, communication, movement, assembly, petition and Habeas Corpus are all excepted from being exercised under and in a "declared emergency." The Constitution for the Newstates of America, openly declares, among other seditious things and delusions that "Until each indicated change in the government shall have been completed the provisions of the existing Constitution and the organs of government shall be in effect" (See: Article XII, Section 3), "All operations of the national government shall cease as they are replaced by those authorized under this Constitution." (See: Article XII, Section 4) This is apparently what Burger was promoting in 1976, after he resigned as Supreme Court Justice and took up the promotion of a "Constitutional Convention." No trial by jury is mentioned, "JUST" compensation has been removed, along with being informed of the "Nature & Cause of the Accusation", etc., etc., and every one will of course participate in the "democracy." This Constitution is but a reiteration of the Communist Doctrines, intents and purposes, and clearly establishes a "Police Power" State, under direction and control of a self appointed oligarchy.

Apparently the present operation of the "de facto" government is under Foreign/Alien Constitutions, Laws, Rules and Regulations. The overthrow of the "essential engine" declared in and by the ordained and established Constitution for the United States of America (1787), and by and under the "Bill of Rights" (1791) is obvious. The covert procedure used to implement and enforce these Foreign Constitutions, Laws, Procedures, Rules, Regulations, etc., has not, to my knowledge, been collected and assimilated nor presented as evidence to establish seditious collusion and conspiracy.

Fortunately and Unfortunately in my Land it is necessary to seek, obtain and present EVIDENCE to sustain a conviction and/or judgment. Our patience and tolerance for those who pervert the very necessary and basic foundations of society has been pushed to insufferable levels. They have "fundamentally" changed the form and substance of the de jure Republican form of Government, exhibited a willful and wanton disregard for the Rights, Safety and Property of others, evinced a despotic design to reduce my people to slavery, peonage and involuntary servitude, under a fraudulent, tyrannical, seditious foreign oligarchy, with intent and purpose to institute, erect and form a "Dictatorship" over the Citizens and our Posterity. They have completely debauched the de jure monetary system, destroyed the Livelihood and Lives of thousands, aided and abetted our enemies, declared War upon us and our Posterity, destroyed untold families and made homeless over 750,000 children in the middle of winter, afflicted widows and orphans, turned Sodomites loose amongst our young, implemented foreign laws, rules, regulations and procedures within the body of the country, incited insurrection, rebellion, sedition and anarchy within the de jure society, illegally entered our Land, taken false Oaths, entered into Seditious Foreign Constitutions, Agreements, Pactions, Confederations, and Alliances, and under pretense of "emergency", which they themselves created, promoted and furthered, formed a multitude of offices and retained those of alien allegiance to perpetuate their frauds and to eat out the substance of the good and productive people of our Land, and have arbitrarily dismissed and held mock trials for those who trespassed upon our Lives, Liberties, Properties and Families and endangered our Peace, Safety, Welfare and Dignity. The damage, injury and costs have been higher than mere money can repay. They have done what they were COMMANDED NOT TO DO. The time for just correction is NOW!



Sincere consideration of "Presentment" to a Grand Jury under the ordained and established Constitution for the United States of America (1787), Amendment V is in order. Numerous High Crimes and Misdemeanors have been committed under the Constitution for the United States of America, and Laws made in Pursuance thereof, and under the Constitution for the State of Colorado, and the Laws made in Pursuance thereof, and against the Peace and Dignity of the People, including but not limited to, C.R.S. 18-11-203 which defines and prescribes punishment for "Seditious Associations" which is applicable to the other constitutions, and the intents and professed purposes of their Organizations, Corporations and Associations. If the Presentment should be obstructed by the members of the Bar, ARREST THEM.

I could go on but the story is long! I hope this information and research is of assistance to you. Much remains to be uncovered and disclosed, as it is necessary and imperative to secure the Lives, Liberties, Property, Peace and Dignity of the People and our Posterity. Good Hunting and the Good Lord be with you in all your endeavors.

God Bless!

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John Nelson, Jure Soli,  
Jure Sanguinis, Jure Coronea  
c/o 14675 Co. Rd. 35.6  
Mancos, Colorado, U.S.A.  
Teste Meipso

P.S. In addition, I am yet expecting a copy of the "Service Agreement", (T.D.O. 91). It was located in the Department of Treasury, office of the Assistant General Counsel, (International Affairs), Russell L. Munk, 1500 Pennsylvania Ave. N.W., Washington, D.C. 20220. Efforts are being made to obtain a copy, but so far have been obstructed by the Bar. If anyone knows where and how a copy can be obtained please do so immediately, the documents are necessary and imperative. It ought to be most

informative! By the way its, against the law for an insolvent to make a loan or to try to fraudulently collect thereon, (See: Neal et al. vs. Clark, 251 P.2d 903). It should be further noted that an "Alien" or "Denizen" cannot sit on a Jury (See: 3 Am. Jur. 2d §40), nor hold a Public Office (Also see: 50 U.S.C.A. 781(9) & 842), and any who have "Expatriated" (See: 8 U.S.C.A. 1481) are required to make application for "naturalization."

The "out of court", "ex parte", summary determinations upon matters in issue is purely "Administrative" procedure. (See: 1 Am. Jur.2d §78) The jury, if any, is reduced to an "advisory jury" position, and is more than likely arrayed as a "homage" jury.

5 U.S.C.A. 701 - 703 should be of interest concerning "Judicial Review" of Agency actions. It can be found in most States under such headings and Acts as the "Administrative Procedures Act" or the "Administrative Reorganization Act." (See: C.R.S. 24-4-106)

The de facto Federal/International chartered "Institutions", their Officers, Employees, Servants, Agents and Representatives are subject to and should be turned over to a Court of Law for prosecution, trial, and judgment according to Law. (See: Pope Mfg. Co. vs. Gormully, 144 U.S. 414, at pg. 419, also see, 22 U.S.C.A. 286g)

"FRAUD vitiates the most solemn Contracts, documents and even judgments." U.S. vs. Throckmorton, 98 US 61, at pg. 65.

I believe that the statement made in Cohen vs. Virginia, 6 Wheat 264, 5 L.Ed. 257 (1821) is more than worthy of note:

"We [Courts] have no more right to decline the exercise of jurisdiction which is given, than to usurp that

which is not given. THE ONE OR THE OTHER WOULD BE TREASON TO THE CONSTITUTION." (Also see: U.S. vs. Will, 449 US 200, 66 L.Ed.2d 392, at pg. 406)

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DECLARATION  
OF SEPARATE AND EQUAL STATION

WHEN IN THE COURSE OF HUMAN EVENTS...WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE...WHEN A LONG TRAIN OF ABUSES AND USURPATIONS, PURSUING INVARIABLY THE SAME OBJECT, EVINCES A DESIGN TO REDUCE THEM UNDER ABSOLUTE DESPOTISM, IT IS THEIR RIGHT, IT IS THEIR DUTY...." Declaration of Independence, Enabling Act, Section 4.

"No political truth is of greater intrinsic value...The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether hereditary, self-appointed, or elective, may be justly pronounced the very definition of tyranny." Federalist Papers No. 47

"IF a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be. The functionaries of every government have propensities to command at will the liberties and property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information." (The Writings Of Thomas Jefferson, Albert E. Bergh Ed., vol. 14 pg. 384)

One cannot make agreements with Sodomites, Babylonians and/or satanics. Their words, oaths or signatures are of no meaning or value; their intent and purpose is to deceive, cheat, steal, lie, defraud and destroy. The seditious covert conspiracy and collusion of certain Organizations, Corporations and Associations to damage, injure, oppress, threaten, intimidate and enforce their fraudulent, foreign, socialist, Communist, "Democracy", and foist their delusions upon the Citizens and children of this Land, and to corrupt the de jure Public Offices established to accomplish the

purposes set forth in the "Preamble" to the ordained and established Constitution is cause and necessity enough.

Once again finding our safety, happiness and liberties to be in imminent danger, it has become necessary and imperative to our Rights, Duties, Privileges, Immunities, Lives, Liberties and Property and that of our posterity, to declare our separate and equal station, and exercise our Right and Duty to throw off and abolish the form and operation of the de facto, fraudulent, seditious "state." (See: Constitution For The State Of Colorado, Article II, Section 2, Declaration of Independence (1776), Constitution For The United States Of America, Amendments IX and X, C.R.S. 24-60-1301, Article IV(h))

Section 2. People may alter or abolish form of government - proviso. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter or abolish their constitution and form of government whenever they deem it necessary to their safety and happiness, provided, such change be not repugnant to the constitution of the United States.

- IT IS HEREBY DEEMED NECESSARY-  
JURE CORONEA - TESTE MEIPSO



H. G.  
WELLS

*The  
New  
World  
Order*

H. G. WELLS

*The*

# NEW WORLD ORDER

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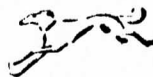
**W**hat will happen to Europe  
—and to the whole world—when  
the present war is ended? There  
will be a revolution, that is  
obvious, Mr. Wells says.

Following a consideration of those factors which make it inevitable, he concludes that such a revolution must be along socialistic lines if civilization is to survive. But the new world order which Mr. Wells suggests must be a world socialism, scientifically planned and directed, with insistence upon law based on a restatement of the Rights of Man, and complete freedom of speech, criticism, and publication. This can be attained, he is convinced, only if each one of us is equally certain that it can, and each will work *now* towards realizing it. And no sane man can make a better beginning in that direction than to read this book.

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*The Fate of Man*.

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## CHAPTER I

### THE END OF AN AGE

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IN this small book I want to set down as compactly, clearly, and usefully as possible the gist of what I have learned about war and peace in the course of my life. I am not going to write peace propaganda here. I am going to strip down to their framework certain general ideas and realities of primary importance, and so prepare a nucleus of useful knowledge for those who have to go on with this business of making a world peace. I am not going to persuade people to say "Yes, yes" for a world peace; already we have had far too much abolition of war by making declarations and signing resolutions; everybody wants peace or pretends to want peace, and there is no need to add even a sentence more to the vast volume of such ineffective stuff. I am simply attempting to state the things we *must* do and the price we *must* pay for world peace if we really intend to achieve it.

Until the Great War, the First World War, I did not bother very much about war and peace. Since then I have almost specialized upon this problem. It is not very easy to recall former states of mind out of which, day by day and year by year, one has grown, but I think that in the decades before 1914 not only I but most of my generation—in the British Empire, America, France, and indeed throughout most of the civilized world—thought that war was dying out.

So it seemed to us. It was an agreeable and therefore a readily acceptable idea. We imagined the Franco-German War of 1870-1 and the Russo-Turkish War of 1877-8 were the final conflicts between great powers, that now there was a Balance of Power sufficiently stable to make further major warfare impracticable. A Triple Alliance faced a Dual Alliance and neither had much reason for attacking the other. We believed war was shrinking to mere expeditionary affairs on the outskirts of our civilization, a sort of frontier police business. Habits of tolerant intercourse, it seemed, were being strengthened every year that the peace of the powers remained unbroken.

There was indeed a mild armament race going on; mild by our present standards of equipment; the armament industry was a growing and enterprising one; but we did not see the full implication of that; we preferred to believe that the increasing general good sense would be strong enough to prevent these multiplying guns from actually going off and hitting anything. And we smiled indulgently at uniforms and parades and army manoeuvres. They were the time-honoured toys and regalia of kings and emperors. They were part of the

display side of life and would never get to actual destruction and killing. I do not think that exaggerates the easy complacency of, let us say, 1895, forty-five years ago. It was a complacency that lasted with most of us up to 1914. In 1914 hardly anyone in Europe or America below the age of fifty had seen anything of war in his own country.

The world before 1900 seemed to be drifting steadily towards a tacit but practical unification. One could travel without a passport over the larger part of Europe; the Postal Union delivered one's letters uncensored and safely from Chile to China; money, based essentially on gold, fluctuated only very slightly; and the sprawling British Empire still maintained a tradition of free trade, equal treatment, and open-handedness to all comers round and about the planet. In the United States you could go for days and never see a military uniform. Compared with today that was, upon the surface at any rate, an age of easy-going safety and good humour. Particularly for the North Americans and the Europeans.

But apart from that steady, ominous growth of the armament industry there were other and deeper forces at work that were preparing trouble. The Foreign Offices of the various sovereign states had not forgotten the competitive traditions of the eighteenth century. The admirals and generals were contemplating with something between hostility and fascination the huger weapons the steel industry was gently pressing into their hands. Germany did not share the self-complacency of the English-speaking world; she wanted a place in the sun; there was increasing friction about the



partition of the raw-material regions of Africa; the British suffered from chronic Russophobia with regard to their vast appropriations in the East, and set themselves to nurse Japan into a modernized imperialist power; and also they "remembered Majuba"; the United States were irritated by the disorder of Cuba and felt that the weak, extended Spanish possessions would be all the better for a change of management. So the game of Power Politics went on, but it went on upon the margins of the prevailing peace. There were several wars and changes of boundaries, but they involved no fundamental disturbance of the general civilized life; they did not seem to threaten its broadening tolerations and understandings in any fundamental fashion. Economic stresses and social trouble stirred and muttered beneath the orderly surfaces of political life, but threatened no convulsion. The idea of altogether eliminating war, of clearing what was left of it away, was in the air, but it was free from any sense of urgency. The Hague Tribunal was established and there was a steady dissemination of the conceptions of arbitration and international law. It really seemed to many that the peoples of the earth were settling down in their various territories to a litigious rather than a belligerent order. If there was much social injustice, it was being mitigated more and more by a quickening sense of social decency. Acquisitiveness conducted itself with decorum, and public-spiritedness was in fashion. Some of it was quite honest public-spiritedness.

In those days, and they are hardly more than half a lifetime behind us, no one thought of any sort of world

administration. That patchwork of great powers and small powers seemed the most reasonable and practicable method of running the business of mankind. Communications were far too difficult for any sort of centralized world controls. *Around the World in Eighty Days*, when it was published seventy years ago, seemed an extravagant fantasy. It was a world without telephone or radio, with nothing swifter than a railway train or more destructive than the earlier types of H.E. shell. They were marvels. It was far more convenient to administer that world of the Balance of Power in separate national areas and, since there were such limited facilities for peoples to get at one another and do one another mischiefs, there seemed no harm in ardent patriotism and the complete independence of separate sovereign states.

Economic life was largely directed by irresponsible private businesses and private finance, which, because of their private ownership, were able to spread out their unifying transactions in a network that paid little attention to frontiers and national, racial, or religious sentimentality. "Business" was much more of a world commonwealth than the political organizations. There were many people, especially in America, who imagined that "Business" might ultimately unify the world and governments sink into subordination to its network.

Nowadays we can be wise after the event and we can see that below this fair surface of things disruptive forces were steadily gathering strength. But these disruptive forces played a comparatively small role in the world spectacle of half a century ago, when the ideas of that older generation, which still dominates our



political life and the political education of its successors, were formed. It is from the conflict of those balance-of-power and private-enterprise ideas, half a century old, with these ever growing disruptive forces, that one of the main stresses of our time arises. These ideas worked fairly well in their period and it is still with extreme reluctance that our rulers, teachers, politicians, face the necessity for a profound mental adaptation of their views, methods, and interpretations to these disruptive forces that once seemed so negligible and which are now shattering their old order completely.

It was because of this belief in a growing goodwill among nations, because of the general satisfaction with things as they were, that the German declarations of war in 1914 aroused such a storm of indignation throughout the entire comfortable world. It was felt that the German Kaiser had broken the tranquillity of the world club, wantonly and needlessly. The war was fought "against the Hohenzollerns." They were to be expelled from the club, certain punitive fines were to be paid, and all would be well. That was the British idea of 1914. This out-of-date war business was then to be cleared up once for all by a mutual guarantee by all the more respectable members of the club through a League of Nations. There was no apprehension of any deeper operating causes in that great convulsion on the part of the worthy elder statesmen who made the peace. And so Versailles and its codicils.

For twenty years the disruptive forces have gone on growing beneath the surface of that genteel and shallow settlement, and for twenty years there has been no resolute attack upon the riddles with which their

growth confronts us. For all that period the League of Nations has been the opiate of liberal thought in the world.

Today there is war to get rid of Adolf Hitler, who has now taken the part of the Hohenzollerns in the drama. He too has outraged the club rules and he too is to be expelled. The war, the Chamberlain-Hitler War, is being waged so far by the British Empire in quite the old spirit. It has learned nothing and forgotten nothing. There is the same resolute disregard of any more fundamental problem.

Still the minds of our comfortable and influential ruling-class people refuse to accept the plain intimation that their time is over, that the Balance of Power and uncontrolled business methods cannot continue, and that Hitler, like the Hohenzollerns, is a mere offensive pustule on the face of a deeply ailing world. To get rid of him and his Nazis will be no more a cure for the world's ills than scraping will heal measles. The disease will manifest itself in some new eruption. It is the system of nationalist individualism and unco-ordinated enterprise that is the world's disease, and it is the whole system that has to go. It has to be reconditioned down to its foundations or replaced. It cannot hope to "muddle through" amiably, wastefully, and dangerously a second time.

World peace means all that much revolution. More and more of us begin to realize that it cannot mean less.

The first thing, therefore, that has to be done in thinking out the primary problems of a world peace is to realize this: that we are living in the end of a definite period of history, the period of the sovereign states. As

we used to say in the eighties with ever increasing truth: "We are in an age of transition." Now we get some measure of the acuteness of the transition. It is a phase of human life which may lead, as I am trying to show, either to a *new way of living* for our species or else to a longer or briefer dégringolade of violence, misery, destruction, death, and the extinction of mankind. These are not rhetorical phrases I am using here; I mean exactly what I say: the disastrous extinction of mankind.

That is the issue before us. It is no small affair of parlour politics we have to consider. As I write, in this moment, thousands of people are being killed, wounded, hunted, tormented, ill-treated, delivered up to the most intolerable and hopeless anxiety, and destroyed morally and mentally, and there is nothing in sight at present to arrest this spreading process and prevent its reaching you and yours. It is coming for you and yours now at a great pace. Plainly in so far as we are rational foreseeing creatures there is nothing for any of us now but to make this world-peace problem the ruling interest and direction of our lives. If we run away from it, it will pursue and get us. We have to face it. We have to solve it or be destroyed by it. It is as urgent and comprehensive as that.

## CHAPTER II

### OPEN CONFERENCE

BEFORE we examine what I have called so far the "disruptive forces" in the current social order, let me underline one primary necessity for the most outspoken free discussion of the battling organizations and the crumbling institutions amidst which we lead our present uncomfortable and precarious lives. There must be no protection for leaders and organizations from the most searching criticism, on the plea that our country is or may be at war. Or on any pretence. We must talk openly, widely, and plainly. The war is incidental; the need for revolutionary reconstruction is fundamental. None of us is clear as yet upon some of the most vital questions before us, we are not lucid enough in our own minds to be ambiguous, and a mumbling tactfulness and indirect half-statements made with an eye upon some censor will confuse our thoughts and the thoughts of those with whom we desire understanding.

to the complete sterilization and defeat of every reconstructive effort.

We want to talk and tell exactly what our ideas and feelings are, not only to our fellow citizens, but to our allies, to neutrals, and, above all, to the people who are marshalled in arms against us. We want to get the same sincerity from them. Because until we have worked out a common basis of ideas with them, peace will be only an uncertain equilibrium while fresh antagonisms develop.

*Concurrently with this war we need a great debate.* We want every possible person in the world to take part in that debate. It is something much more important than the actual warfare. It is intolerable to think of this storm of universal distress leading up to nothing but some "conference" of diplomatists out of touch with the world, with secret sessions, ambiguous "understandings." Not twice surely can that occur. And yet what is going to prevent its recurring?

It is quite easy to define the reasonable limits of censorship in a belligerent country. It is manifest that the publication of any information likely to be of the slightest use to an enemy must be drastically anticipated and suppressed; not only direct information, for example, but intimations and careless betrayals about the position and movements of ships, troops, camps, depots of munitions, food supplies, and false reports of defeats and victories and coming shortages, anything that may lead to blind panic and hysteria, and so forth and so on. But the matter takes on a different aspect altogether when it comes to statements and suggestions that may affect public opinion in one's own country or abroad,

and which may help us towards wholesome and corrective political action.

One of the more unpleasant aspects of a state of war under modern conditions is the appearance of a swarm of individuals, too clever by half, in positions of authority, excited, conceited, prepared to lie, distort, and generally humbug people into states of acquiescence, resistance, indignation, vindictiveness, doubt, and mental confusion, states of mind supposed to be conducive to a final military victory. These people love to twist and censor facts. It gives them a feeling of power; if they cannot create they can at least prevent and conceal. Particularly they poke themselves in between us and the people with whom we are at war to distort any possible reconciliation. They sit, filled with the wine of their transitory powers, aloof from the fatigues and dangers of conflict, pulling imaginary strings in people's minds.

In Germany popular thought is supposed to be under the control of Herr Dr. Goebbels; in Great Britain we writers have been invited to place ourselves at the disposal of some Ministry of Information—that is to say, at the disposal of hitherto obscure and unrepresentative individuals—and write under its advice. Officials from the British Council and the Conservative Party Headquarters appear in key positions in this Ministry of Information. That curious and little advertised organization I have just mentioned, the creation I am told of Lord Lloyd, that British Council, sends emissaries abroad, writers, well-dressed women, and other cultural personages, to lecture, charm, and win over foreign appreciation for British characteristics, for

British scenery, British political virtues, and so forth. Somehow this is supposed to help something or other. Quietly, unobtrusively, this has gone on.

Maybe these sample British give unauthorized assurances, but probably they do little positive harm. But they ought not to be employed at all. Any government propaganda is contrary to the essential spirit of democracy. The expression of opinion and collective thought should be outside the range of government activities altogether. It should be the work of free individuals whose prominence is dependent upon the response and support of the general mind.

But here I have to make amends to Lord Lloyd. I was led to believe that the British Council was responsible for Mr. Teeling, the author of *Crisis for Christianity*, and I said as much in *The Fate of Homo sapiens*. I now unsay it. Mr. Teeling, I gather, was sent out upon his journeys by a Catholic newspaper. The British Council was entirely innocent of him.

It is not only that the Ministries of Information and Propaganda do their level best to divert the limited gifts and energies of such writers, lecturers, and talkers as we possess, to the production of disingenuous muck that will muddle the public mind and mislead the inquiring foreigner, but that they show a marked disposition to stifle any free and independent utterances that may seem to traverse their own profound and secret plans for the salvation of mankind.

Everywhere now it is difficult to get adequate, far-reaching publicity for outspoken discussion of the way the world is going, and the political, economic, and social forces that carry us along. This is not so much

due to deliberate suppression as to the general disorder into which human affairs are dissolving. There is indeed in the Atlantic world hardly a sign as yet of that direct espionage upon opinion that obliterates the mental life of the intelligent Italian or German or Russian today almost completely; one may still think what one likes, say what one likes, and write what one likes, but nevertheless there is already an increasing difficulty in getting bold, unorthodox views heard and read. Newspapers are afraid upon all sorts of minor counts, publishers, with such valiant exceptions as the publishers of this matter, are morbidly discreet; they get Notice D to avoid this or that particular topic; there are obscure boycotts and trade difficulties hindering the wide diffusion of general ideas in countless ways. I do not mean there is any sort of organized conspiracy to suppress discussion, but I do say that the press, the publishing and the bookselling organizations in our free countries provide a very ill-organized and inadequate machinery for the ventilation and distribution of thought.

Publishers publish for nothing but safe profits; it would astound a bookseller to tell him he was part of the world's educational organization, or a publisher's traveller that he existed for any other purpose than to book maximum orders for best sellers and earn a record commission—letting the other stuff, the highbrow stuff and all that, go hang. They do not understand that they ought to put public service before gain. They have no inducement to do so and no pride in their function. Theirs is the morale of a profiteering world. Newspapers like to insert brave-looking articles of conventional liberalism, speaking highly of peace and displaying a



noble vagueness about its attainment; now we are at war they will publish the fiercest attacks upon the enemy, because such attacks are supposed to keep up the fighting spirit of the country; but any ideas that are really loudly and clearly revolutionary they dare not circulate at all. Under these baffling conditions there is no thorough discussion of the world outlook whatever, anywhere. The democracies are only a shade better than the dictatorships in this respect. It is ridiculous to represent them as realms of light at issue with darkness.

This great debate upon the reconstruction of the world is a thing more important and urgent than the war, and there exist no adequate media for the utterance and criticism and correction of any broad general convictions. There is a certain fruitless and unproductive spluttering of constructive ideas, but there is little sense of sustained inquiry, few real interchanges, inadequate progress, nothing is settled, nothing is dismissed as unsound, and nothing is won permanently. No one seems to hear what anyone else is saying. That is because there is no sense of an audience for these ideologists. There is no effective audience saying rudely and obstinately: "What A has said seems important. Will B and C, instead of hombinating in the void, tell us exactly where and why they differ from A? And now we have got to the common truth of A, B, C, and D. Here is F saying something. Will he be so good as to correlate what he has to say with A, B, C, and D?"

But there is no such background of an intelligently observant and critical world audience in evidence. There are a few people here and there reading and

thinking in disconnected fragments. This is all the thinking our world is doing in the face of planetary disaster. The universities, bless them, are in uniform or silent.

We need to air our own minds; we need frank exchanges if we are to achieve any common understanding. We need to work out a clear conception of the world order we would prefer to this present chaos, we need to dissolve or compromise upon our differences so that we may set our faces with assurance towards an attainable world peace. The air is full of the panaceas of half-wits, none listening to the others and most of them trying to silence the others in their impatience. Thousands of fools are ready to write us a complete prescription for our world troubles. Will people never realize their own ignorance and incompletenesses, from which arises this absolute necessity for the plainest statement of the realities of the problem, for the most exhaustive and unsparing examination of differences of opinion, and for the most ruthless canvassing of every possibility, however unpalatable it may seem at first, of the situation?

Before anything else, therefore, in this survey of the way to world peace I put free speech and vigorous publication. It is the thing best worth fighting for. It is the essence of your personal honour. It is your first duty as a world citizen to do what you can for that. You have not only to resist suppressions, you have to fight your way out of a fog. If you find your bookseller or news-agent failing to distribute any type of publication whatever—even if you are in entire disagreement with the views of that publication—you should turn the



weapon of the boycott upon the offender and find another bookseller or news-agent for everything you read. The would-be world citizen should subscribe also to such an organization as the National Council for Civil Liberties; he should use any advantage his position may give him to check suppression of free speech; and he should accustom himself to challenge nonsense politely but firmly and say fearlessly and as clearly as possible what is in his mind and to listen as fearlessly to whatever is said to him. So that he may know better either through reassurance or correction. To get together with other people to argue and discuss, to think and organize and then implement thought is the first duty of every reasonable man.

This world of ours is going to pieces. It has to be reconstructed and it can only be effectively reconstructed in the light. Only the free, clear, open mind can save us, and these difficulties and obstructions on our line of thought are as evil as children putting obstacles on a railway line or scattering nails on an automobile speed track.

This great world debate must go on, and it must go on now. Now while the guns are still thudding is the time for thought. It is incredibly foolish to talk as so many people do of ending the war and then having a world conference to inaugurate a new age. So soon as the fighting stops, the real world conference, the live discussion, will stop too. The diplomats and politicians will assemble with an air of profound competence and close the doors upon the outer world and resume—Versailles. While the silenced world gapes and waits upon their mysteries.

## CHAPTER III

### DISRUPTIVE FORCES

AND now let us come to the disruptive forces that have reduced that late-nineteenth-century dream of a powerful world patchwork of more and more civilized states, linked by an ever increasing financial and economic interdependence, to complete incredibility, and so forced upon every intelligent mind the need to work out a new conception of the world that ought to be. *It is supremely important that the nature of these disruptive forces should be clearly understood and kept in mind. To grasp them is to hold the clue to the world's present troubles. To forget about them, even for a moment, is to lose touch with essential reality and drift away into minor issues.*

The first group of these forces is what people are accustomed to speak of as "the abolition of distance" and "the change of scale" in human operations. This "abolition of distance" began rather more than a cen-

tury ago, and its earlier effects were not disruptive at all. It knit together the spreading United States of America over distances that might otherwise have strained their solidarity to the breaking-point, and it enabled the sprawling British Empire to sustain contacts round the whole planet.

The disruptive influence of the abolition of distance appeared only later. Let us be clear upon its essential significance. For what seemed like endless centuries the swiftest means of locomotion had been the horse on the highroad, the running man, the galley, and the uncertain, weather-ruled sailing ship. (There was the Dutchman on skates on his canals, but that was an exceptional culmination of speed and not for general application.) The political, social, and imaginative life of man for all those centuries was adapted to these limiting conditions. They determined the distances to which marketable goods could conveniently be sent, the limits to which the ruler could send his orders and his soldiers, the bounds set to getting news, and indeed the whole scale of living. There could be very little real community feeling beyond the range of frequent intercourse.

Human life fell naturally therefore into areas determined by the interplay between these limitations and such natural obstacles as seas and mountains. Such countries as France, England, Egypt, Japan, appeared and reappeared in history like natural, necessary things, and though there were such larger political efforts as the Roman Empire, they never attained an enduring unity. The Roman Empire held together like wet blotting-paper; it was always falling to pieces. The older

empires, beyond their national nuclei, were mere precarious tribute-levying powers. What I have already called the world patchwork of the great and little powers was therefore, under the old horse-and-foot and sailing-ship conditions, almost as much a matter of natural necessity as the sizes of trees and animals.

Within a century all this has been changed and we have still to face up to what that change means for us.

First came steam, the steam railway, the steamship, and then in a quickening crescendo came the internal combustion engine, electrical traction, the motor car, the motor boat, the aeroplane, the transmission of power from central power stations, the telephone, the radio. I feel apologetic in reciting this well-known story. I do so in order to enforce the statement that all the areas that were the most convenient and efficient for the old, time-honoured way of living became more and more inconveniently close and narrow for the new needs. This applied to every sort of administrative area, from municipalities and urban districts and the range of distributing businesses up to sovereign states. They were—and for the most part they still are—too small for the new requirements and far too close together. All over the social layout this tightening-up and squeezing together is an inconvenience, but when it comes to the areas of sovereign states it becomes impossibly dangerous. It becomes an intolerable thing; human life cannot go on, with the capitals of most of the civilized countries of the world within an hour's bombing range of their frontiers, behind which attacks can be prepared and secret preparations made without any form of control. And yet we are still tolerant and loyal to arrange-

ments that seek to maintain this state of affairs and treat it as though nothing else were possible.

The present war for and against Hitler and Stalin and Mr. Chamberlain and so forth does not even touch upon the essential problem of the abolition of distance. It may indeed destroy everything and still settle nothing. If one could wipe out all the issues of the present conflict, we should still be confronted with the essential riddle, which is the abolition of the boundaries of most existing sovereign states and their merger in some larger Pax. We have to do that if any supportable human life is to go on. Treaties and mutual guarantees are not enough. We have surely learned enough about the value of treaties during the last half-century to realize that. We have, because of the abolition of distance alone, to gather human affairs together under one common war-preventing control.

But this abolition of distance is only one most vivid aspect of the change in the conditions of human life. Interwoven with that is a general change of scale in human operations. The past hundred years have been an age of invention and discovery beyond the achievements of the preceding three millennia. In a book I published eight years ago, *The Work, Wealth and Happiness of Mankind*, I tried to summarize the conquest of power and substances that is still going on. There is more power expended in a modern city like Birmingham in a day than we needed to keep the whole of Elizabethan England going for a year; there is more destructive energy in a single tank than sufficed the army of William I for the conquest of England. Man is able now to produce or destroy on a scale beyond

comparison greater than he could before this storm of invention began. And the consequence is the continual further dislocation of the orderly social life of our great-great-grandfathers. No trade, no profession, is exempt. The old social routines and classifications have been, as people say, "knocked silly." There is no sort of occupation—fisheries, farming, textile work, metal work, mining—which is not suffering from constant readjustment to new methods and facilities. Our traditions of trade and distribution flounder after these changes. Skilled occupations disappear in the general social liquefaction.

The new power organizations are destroying the forests of the world at headlong speed, ploughing great grazing areas into deserts, exhausting mineral resources, killing off whales, seals, and a multitude of rare and beautiful species, destroying the morale of every social type and devastating the planet. The institutions of the private appropriation of land and natural resources generally, and of private enterprise for profit, which did produce a fairly tolerable, stable, and "civilized" social life for all but the most impoverished, in Europe, America, and the East, for some centuries, have been expanded to a monstrous destructiveness by the new opportunities. The patient, nibbling, enterprising profit-seeker of the past, magnified and equipped now with the huge claws and teeth the change of scale has provided for him, has torn the old economic order to rags. Quite apart from war, our planet is being wasted and disorganized. Yet the process goes on, without any general control, more monstrously destructive even than the continually enhanced terrors of modern warfare.

Now it has to be made clear that these two things,

the manifest necessity for some collective world control to eliminate warfare and the less generally admitted necessity for a collective control of the economic and biological life of mankind, are *aspects of one and the same process*. Of the two the disorganization of the ordinary life which is going on, war or no war, is the graver and least reversible. Both arise out of the abolition of distance and the change of scale, they affect and modify each other, and unless their parallelism and interdependence are recognized, any projects for world federation or anything of the sort are doomed inevitably to frustration.

That is where the League of Nations broke down completely. It was legal; it was political. It was devised by an ex-professor of the old-fashioned history assisted by a few politicians. It ignored the vast disorganization of human life by technical revolutions, big business, and modern finance that was going on, of which the Great War itself was scarcely more than a by-product. It was constituted as though nothing of that sort was occurring.

This war storm which is breaking upon us now, due to the continued fragmentation of human government among a patchwork of sovereign states, is only one aspect of the general need for a rational consolidation of human affairs. The independent sovereign state with its perpetual war threat, armed with the resources of modern mechanical frightfulness, is only the most blatant and terrifying aspect of that same want of a coherent general control that makes overgrown, independent, sovereign, private business organizations and combinations socially destructive. We should still be

at the mercy of the "Napoleons" of commerce and the "Attilas" of finance if there was not a gun or a battleship or a tank or a military uniform in the world. We should still be sold up and dispossessed.

Political federation, we have to realize, without a concurrent economic collectivization, is bound to fail. The task of the peacemaker who really desires peace in a new world involves not merely a political but a profound social revolution, profounder even than the revolution attempted by the Communists in Russia. The Russian Revolution failed not by its extremism but through the impatience, violence, and intolerance of its onset, through lack of foresight, and intellectual insufficiency. The cosmopolitan revolution to a world collectivism, which is the only alternative to chaos and degeneration before mankind, has to go much further than the Russian; it has to be more thorough and better conceived and its achievement demands a much more heroic and more steadfast thrust.

It serves no useful purpose to shut our eyes to the magnitude and intricacy of the task of making the world peace. These are the basic factors of the case.



## CHAPTER IV

### CLASS WAR

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Now here it is necessary to make a distinction which is far too frequently ignored. Collectivization means the handling of the common affairs of mankind by a common control responsible to the whole community. It means the suppression of go-as-you-please in social and economic affairs just as much as in international affairs. It means the frank abolition of profit-seeking and of every device by which human beings contrive to be parasitic on their fellow men. It is the practical realization of the brotherhood of man through a common control. It means all that and it means no more than that.

The necessary nature of that control, the way to attain it and to maintain it have still to be discussed.

The early forms of socialism were attempts to think out and try out collectivist systems. But with the advent of Marxism the larger idea of collectivism became entangled with a smaller one, the perpetual conflict of

people in any unregulated social system to get the better of one another. Throughout the ages this has been going on. The rich, the powerful generally, the more intelligent and acquisitive have got away with things, and sweated, oppressed, enslaved, bought, and frustrated the less intelligent, the less acquisitive, and the unwary. The Haves in every generation have always got the better of the Have-nots, and the Have-nots have always resented the privations of their disadvantage.

So it is and so in the uncollectivized world it has always been. The bitter cry of the expropriated man echoes down the ages from ancient Egypt and the Hebrew prophets, denouncing those who grind the faces of the poor. At times the Have-nots have been so uneducated, so helplessly distributed among their more successful fellows, that they have been incapable of social disturbance, but whenever such developments as plantation or factory labour, the accumulation of men in seaport towns, the disbanding of armies, famine, and so forth brought together masses of men at the same disadvantage, their individual resentments flowed together and became a common resentment. The miseries underlying human society were revealed. The Haves found themselves assailed by resentful, vindictive revolt.

Let us note that these revolts of the Have-nots throughout the ages have sometimes been very destructive, but that invariably they have failed to make any fundamental change in this old, old story of getting and not getting the upper hand. Sometimes the Have-nots have frightened or otherwise moved the Haves to more decent behaviour. Often the Have-nots



have found a Champion who has ridden to power on their wrongs. Then the ricks were burned or the châteaux. The aristocrats were guillotined and their heads carried on exemplary pikes. Such storms passed, and when they passed, there for all practical purposes was the old order returning again; new people but the old inequalities. Returning inevitably, with only slight variations in appearance and phraseology, under the condition of a non-collective social order.

The point to note is that in the unplanned scramble of human life through the centuries of the horse-and-foot period, these incessantly recurring outbreaks of the losers against the winners have never once produced any permanent amelioration of the common lot, or greatly changed the features of the human community. Not once.

The Have-nots have never produced the intelligence and the ability, and the Haves have never produced the conscience, to make a permanent alteration of the rules of the game. Slave revolts, peasant revolts, revolts of the proletariat have always been fits of rage, acute social fevers which have passed. The fact remains that history produces no reason for supposing that the Have-nots, considered as a whole, have available any reserves of directive and administrative capacity and disinterested devotion superior to that of the more successful classes. Morally, intellectually, there is no reason to suppose them better.

Many potentially able people may miss education and opportunity; they may not be inherently inferior, but nevertheless they are crippled and incapacitated and kept down. They are spoilt. Many specially gifted

people may fail to "make good" in a jostling, competitive, acquisitive world and so fall into poverty and into the baffled, limited ways of living of the commonalty, but they too are exceptions. The idea of a right-minded proletariat ready to take things over is a dream.

As the collectivist idea has developed out of the original propositions of socialism, the more lucid thinkers have put this age-long bitterness of the Haves and Have-nots into its proper place as part, as the most distressing part, but still only as part, of the vast waste of human resources that their disorderly exploitation entailed. In the light of current events they have come to realize more and more clearly that the need and possibility of arresting this waste by a world-wide collectivization is becoming continually more possible and at the same time imperative. They have had no delusions about the education and liberation that is necessary to gain that end. They have been moved less by moral impulses and sentimental pity and so forth, admirable but futile motives, as by the intense intellectual irritation of living in a foolish and destructive system. They are revolutionaries not because the present way of living is a hard and tyrannous way of living, but because it is from top to bottom exasperatingly stupid.

But thrusting athwart the socialist movement towards collectivization and its research for some competent directive organization of the world's affairs came the clumsy initiative of Marxism with its class-war dogma, which has done more to misdirect and sterilize human goodwill than any other misconception of reality that has ever stultified human effort.

Marx saw the world from a study and through the hazes of a vast ambition. He swam in the current ideologies of his time and so he shared the prevalent socialist drive towards collectivization. But while his sounder-minded contemporaries were studying means and ends, he jumped from a very imperfect understanding of the Trades Union movement in Britain to the wildest generalizations about the social process. He invented and antagonized two phantoms. One was the Capitalist System; the other the Worker.

There never has been anything on earth that could be properly called a Capitalist *System*. What was the matter with his world was manifestly its entire want of system. What the Socialists were feeling their way towards was the discovery and establishment of a world system.

The Haves of our period were and are a fantastic miscellany of people, inheriting or getting their power and influence by the most various means and methods. They had and have nothing of the interbreeding social solidarity even of a feudal aristocracy or an Indian caste. But Marx, looking rather into his inner consciousness than at any concrete reality, evolved that monster "System" on his Right. Then over against it, still gazing steadily into that vacuum, he discovered on the Left the proletarians being steadily expropriated and becoming class-conscious. They were just as endlessly various in reality as the people at the top of the scramble; in reality but not in the mind of the Communist seer. There they consolidated rapidly.

So while other men toiled at this gigantic problem of collectivization, Marx found his almost childish sim-

ple recipe. All you had to do was to tell the workers that they were being robbed and enslaved by this wicked "Capitalist System" devised by the "bourgeoisie." They need only "unite"; they had "nothing to lose but their chains." The wicked Capitalist System was to be overthrown, with a certain vindictive liquidation of "capitalists" in general and the "bourgeoisie" in particular, and a millennium would ensue under a purely workers' control, which Lenin later on was to crystallize into a phrase of supra-theological mystery: "the dictatorship of the proletariat." The proletarians need learn nothing, plan nothing; they were right and good by nature; they would just "take over." The infinitely various envies, hatreds, and resentments of the Have-nots were to fuse into a mighty creative drive. All virtue resided in them; all evil in those who had bettered them. One good thing there was in this new doctrine of the class war: it inculcated a much needed brotherliness among the workers, but it was balanced by the organization of class hate. So the great propaganda of the class war, with these monstrous falsifications of manifest fact, went forth. Collectivization would not so much be organized as appear magically when the incubus of Capitalism and all those irritatingly well-to-do people were lifted off the great Proletarian soul.

Marx was a man incapable in money matters and much bothered by tradesmen's bills. Moreover he cherished absurd pretensions to aristocracy. The consequence was that he romanced about the lovely life of the Middle Ages as if he were another Belloc and concentrated his animus about the "bourgeoisie," whom he

made responsible for all those great disruptive forces in human society that we have considered. Lord Bacon, the Marquis of Worcester, Charles II, and the Royal Society, people like Cavendish and Joule and Watt, for example, all became "bourgeoisie" in his inflamed imagination. "During its reign of scarce a century," he wrote in the *Communist Manifesto*, "the bourgeoisie has created more powerful, more stupendous forces of production than all preceding generations rolled into one. . . . What earlier generations had the remotest inkling that such productive forces slumbered within the wombs of associated labour?"

"The wombs of associated labour!" (Golly, what a phrase!) The industrial revolution which was a consequence of the mechanical revolution is treated as the cause of it. Could facts be muddled more completely?

And again: ". . . the bourgeois system is no longer able to cope with the abundance of wealth it creates. How does the bourgeoisie overcome these crises? On the one hand, by the compulsory annihilation of a quantity of the productive forces; on the other, by the conquest of new markets and the more thorough exploitation of old ones. With what results? The results are that the way is paved for more widespread and more disastrous crises and that the capacity for averting such crises is lessened."

"The weapons" (*Weapons!* How that sedentary gentleman in his vast beard adored military images!) "with which the bourgeoisie overthrew feudalism are now being turned against the bourgeoisie itself."

"But the bourgeoisie has not only forged the weapons that will slay it; it has also engendered the men who

will use these weapons—the modern workers, the proletarians."

And so here they are, hammer and sickle in hand, chest stuck out, proud, magnificent, commanding, in the *Manifesto*. But go and look for them yourself in the streets. Go and look at them in Russia.

Even for 1848 this is not intelligent social analysis. It is the outpouring of a man with a B in his bonnet, the hated Bourgeoisie, a man with a certain vision, uncritical of his own subconscious prejudices, but shrewd enough to realize how great a driving force are hate and the inferiority complex. Shrewd enough to use hate and bitter enough to hate. Let anyone read over that *Communist Manifesto* and consider who might have shared the hate or even have got it all, if Marx had not been the son of a rabbi. Read "Jews" for "bourgeoisie," and the *Manifesto* is pure Nazi teaching of the 1933-8 vintage.

Stripped down to its core in this fashion, the primary falsity of the Marxist assumption is evident. But it is one of the queer common weaknesses of the human mind to be uncritical of primary assumptions and to smother up any inquiry into their soundness in secondary elaboration, in technicalities and conventional formulas. Most of our systems of belief rest upon rotten foundations, and generally these foundations are made sacred to preserve them from attack. They become dogmas in a sort of holy of holies. It is shockingly uncivil to say: "But that is nonsense." The defenders of all the dogmatic religions fly into rage and indignation when one touches on the absurdity of their foundations. Especially if one laughs. That is blasphemy.



This avoidance of fundamental criticism is one of the greatest dangers to any general human understanding. Marxism is no exception to the universal tendency. The Capitalist System has to be a real system, the Bourgeoisie an organized conspiracy against the Workers, and every human conflict everywhere has to be an aspect of the Class War or they cannot talk to you. They will not listen to you. Never once has there been an attempt to answer the plain things I have been saying about them for a third of a century. Anything not in their language flows off their minds like water off a duck's back. Even Lenin—by far the subtlest mind in the Communist story—has not escaped this pitfall, and when I talked to him in Moscow in 1920 he seemed quite unable to realize that the violent conflict going on in Ireland between the Catholic nationalists and the Protestant garrison was not his sacred insurrection of the Proletariat in full blast.

Today there is quite a number of writers, and among them there are men of science who ought to think better, solemnly elaborating a pseudo-philosophy of science and society upon the deeply buried but entirely nonsensical foundations laid by Marx. Month by month the industrious Left Book Club pours a new volume over the minds of its devotees to sustain their mental habits and pickle them against the septic influence of unorthodox literature. A Party Index of Forbidden Books will no doubt follow. Distinguished professors, with a solemn delight in their own remarkable ingenuity, lecture and discourse and even produce serious-looking volumes upon the superiority of Marxist physics and Marxist research to the unbranded activities of the

human mind. One tries not to be rude to them, but it is hard to believe they are not deliberately playing the fool with their brains. Or have they a feeling that revolutionary communism is ahead, and are they doing their best to rationalize it with an eye to those red days to come? <sup>1</sup>

Here I cannot pursue in any detail the story of the Rise and Corruption of Marxism in Russia. It confirms in every particular my contention that the class-war idea is an entanglement and perversion of the world drive towards a world collectivism, a wasting disease of cosmopolitan socialism. It has followed in its general outline the common history of every revolt of the Have-nots since history began. Russia in the shadows displayed an immense inefficiency and sank slowly to Russia in the dark. Its galaxy of incompetent foremen, managers, organizers, and so forth developed the most complicated system of self-protection against criticism; they sabotaged one another, they intrigued against one another. You can read the quintessence of the thing in Littlepage's *In Search of Soviet Gold*. And as in every other Have-not revolt since the dawn of history, hero-worship took possession of the insurgent masses. The inevitable Champion appeared. They escape from the Czar and in twenty years they are worshipping Stalin, originally a fairly honest, unoriginal, ambitious revolutionary, driven to self-defensive cruelty and inflated by flattery to his present quasi-divine autocracy. The cycle completes itself and we see that as in every other merely insurrectionary revolution, nothing has changed; a lot of people have been liquidated and a lot

<sup>1</sup> See Hogben's *Dangerous Thoughts*.

of other people have replaced them, and Russia seems returning back to the point at which it started, to a patriotic absolutism of doubtful efficiency and vague, incalculable aims. Stalin, I believe, is honest and benevolent in intention, he believes in collectivism simply and plainly, he is still under the impression that he is making a good thing of Russia and of the countries within her sphere of influence, and he is self-righteously impatient of criticism or opposition. His successor may not have the same disinterestedness.

But I have written enough to make it clear why we have to dissociate collectivization altogether from the class war in our minds. Let us waste no more time on the spectacle of the Marxist putting the cart in front of the horse and tying himself up with the harness. We have to put all this proletarian distortion of the case out of our minds and start afresh upon the problem of how to realize the *new and unprecedented possibilities of world collectivization* that have opened out upon the world in the past hundred years. That is a new story. An entirely different story.

We human beings are facing gigantic forces that will either destroy our species altogether or lift it to an altogether unprecedented level of power and well-being. These forces have to be controlled or we shall be annihilated. But, competently controlled, they can abolish toil, they can abolish poverty, they can abolish slavery—by the one sure means of making these things unnecessary. Class-war communism has had its opportunity to realize all this, and it has failed to make good. So far it has only replaced one autocratic Russia by another. Russia, like all the rest of the world, is still

facing the problem of the competent government of a collective system. She has not solved it.

The dictatorship of the proletariat has failed us. We have to look for possibilities of control in other directions. Are they to be found?

#### NOTE

A friendly adviser reading the passage on p. 32 protests against "the wombs of associated labour" as a mistranslation of the original German of the *Manifesto*. I took it from the translation of Professor Hirendranath Mukherjee in an Indian students' journal, *Sriharsha*, which happened to be on my desk. But my adviser produces Lily G. Aitken and Frank C. Budgen in a Glasgow Socialist Labour Press publication, who give it as "the lap of social labour," which is more refined but pure nonsense. The German word is "*Schoß*," and in its widest sense it means the whole productive maternal outfit from bosom to knees and here quite definitely the womb. The French translation gives "*sein*," which at the first glance seems to carry gentility to an even higher level. But as you can say in French that an expectant mother carries her child in her "*sein*," I think Professor Mukherjee has it. Thousands of reverent young Communists must have read that "lap" without observing its absurdity. Marx is trying to make out that the increase of productive efficiency was due to "association" in factories. A better phrase to express his (wrong-headed) intention would have been "the co-ordinated operations of workers massed in factories."



## CHAPTER V

### UNSATED YOUTH

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WE have now to examine these disruptive forces a little more closely, these disruptive forces which are manifestly overstraining and destroying the social and political system in which most of us have been reared. At what particular points in our political and social life are these disruptive forces discovering breaking-points?

Chief among these breaking-points, people are beginning to realize more and more clearly, is the common, half-educated young man.

One particular consequence of this onrush of power and invention in our time is the release of a great flood of human energy in the form of unemployed young people. This is a primary factor of the general political instability.

We have to recognize that humanity is not suffering, as most animal species when they suffer seem to do, from hunger or want in any material form. It is threat-

ened not by deficiency but by excess. It is plethoric. It is not lying down to die through physical exhaustion; it is knocking itself to pieces.

Measured by any standards except human contentment and ultimate security, mankind appears to be much wealthier now than in 1918. The quantities of power and material immediately available are much greater. What is called productivity in general is greater. But there is sound reason for supposing that a large part of this increased productivity is really a swifter and more thorough exploitation of irreplaceable capital. It is a process that cannot go on indefinitely. It rises to a maximum and then the feast is over. Natural resources are being exhausted at a great rate, and the increased output goes into war munitions whose purpose is destruction, and into sterile indulgences no better than waste. Man, "heir of the ages," is a demoralized spendthrift, in a state of galloping consumption, living on stimulants.

When we look into the statistics of population, there is irrefutable proof that everywhere we are passing a maximum (see for this Enid Charles's *The Twilight of Parenthood*, or R. R. Kuczynski's *Measurement of Population Growth*) and that a rapid decline is certain not only in western Europe but throughout the world. There is sound reason for doubting the alleged vast increase of the Russian people (see Souvarine's *Stalin*). Nevertheless, because of the continually increasing efficiency of productive methods, the *relative* pressure of this new unemployed class increases. The "mob" of the twentieth century is quite different from the almost animal "mob" of the eighteenth century. It is a restless sea of dissatisfied young people, of young women who

no longer bear children, and young men who can find no outlet for their natural urgencies and ambitions, young people quite ready to "make trouble" as soon as they are shown how.

In the technically crude past, the illiterate Have-nots were sweated and overworked. It was easy to find toil to keep them all busy. Such surplus multitudes are wanted no more. Toil is no longer marketable. Machines can toil better and with less resistance.

These frustrated multitudes have been made acutely aware of their own frustration. The gap of their always partly artificial disadvantage has been greatly diminished because now they all read. Even for incidental employment it has been necessary to teach them that, and the new reading public thus created has evoked a press and literature of excitement and suggestion. The cinema and the radio dazzle them with spectacles of luxury and unrestricted living. They are not the helpless Hodges and factory fodder of a hundred years ago. They are educated up to what must have been the middle-class level in 1889. They are indeed largely a squeezed-out middle class, restless, impatient, and as we shall see extremely dangerous. They have assimilated almost all of the lower strata that were formerly illiterate drudges.

And this modernized excess population has no longer any social humility. It has no belief in the infallible wisdom of its rulers. It sees them too clearly; it knows about them, their waste, vices, and weaknesses, with an even exaggerated vividness. It sees no reason for its exclusion from the good things of life by such people.

It has lost enough of its inferiority to realize that most of that inferiority is arbitrary and artificial.

You may say that this is a temporary state of affairs, that the fall in population will presently relieve the situation, by getting rid of this surplus of the "not wanted." But it will do nothing of the sort. As population falls, consumption will fall. Industries will still be producing more and more efficiently for a shrinking market and they will be employing fewer and fewer hands. A state of five million people with half a million of useless hands will be twice as unstable as forty million with two million standing off. So long as the present state of affairs continues, this stratum of perplexed young people "out of it" will increase relatively to the total community.

It is still not realized as clearly as it should be how much the troubles of the present time are due to this new aspect of the social puzzle. But if you will scrutinize the events of the past half-century in the light of this idea, you will see more and more convincingly that it is mainly through this growing mass of unfulfilled desire that the disruptive forces manifest themselves.

The eager and adventurous unemployed young are indeed the shock troops in the destruction of the old social order everywhere. They find guidance in some confident party or some inspired Champion, who organizes them for revolutionary or counter-revolutionary ends. It scarcely matters which. They become Communists or they become Fascists, Nazis, the Irish Republican Army, Ku Klux Klansmen and so forth and so on. The essence is the combination of energy, frustration, and discontent. What all such movements have in

common is a genuine indignation at the social institutions that have begotten and then cold-shouldered them, a quasi-military organization, and the resolve to seize power for themselves embodied in their leaders. A wise and powerful government would at any cost anticipate and avert these destructive activities by providing various and interesting new employment and the necessary condition for a satisfyingly successful life for everyone. These young people are life. The rise of the successful leader only puts off the trouble for a time. He seizes power in the name of his movement. And then? When the seizure of power has been effected, he finds himself obliged to keep things going, to create justification for his leadership, exciting enterprises, urgencies.

A leader of vision with adequate technical assistance might conceivably direct much of the human energy he has embodied into creative channels. For example, he could rebuild the dirty, inadequate cities of our age, turn the still slovenly countryside into a garden and playground, reclothe, liberate, and stimulate imaginations, until the ideas of creative progress became a habit of mind. But in doing this he will find himself confronted by those who are sustained by the pre-emptions and appropriations of the old order. These relatively well-off people will bargain with him up to the last moment for their money and impede his seizure and utilization of land and material resources, and he will be further hampered by the fact that in organizing his young people he has had to turn their minds and capacities from creative work to systematic violence and militant activities. It is easy to make an unemployed

young man into a Fascist or gangster, but it is hard to turn him back to any decent social task. Moreover the Champion's own leadership was largely due to his conspiratorial and adventurous quality. He is himself unfit for a creative job. He finds himself a fighter at the head of a fighting pack.

And furthermore, unless his country is on the scale of Russia and the United States, whatever he attempts in order to make good his promises of an abundant life has to be done in face of that mutual pressure of the sovereign states due to the abolition of distance and change of scale which we have already considered. He has no elbow-room in which to operate. The resultant of these convergent difficulties is to turn him and his fighting pack relentlessly towards the simplifying, liberating, and releasing flux of predatory war.

Everywhere in the world, under varying local circumstances, we see governments primarily concerned with this supreme problem of what to do with these young adults who are unemployable under present conditions. We have to realize that and bear it constantly in mind. It is there in every country. It is the most dangerous and wrong-headed view of the world situation to treat the totalitarian countries as differing fundamentally from the rest of the world.

The problem of reabsorbing the unemployable adult is the essential problem in all states. It is the common shape to which all current political dramas reduce. How are we to use up or slake this surplus of human energy? The young are the live core of our species. The generation below sixteen or seventeen has not yet begun to give trouble, and after forty, the ebb of vitality dis-



poses men to accept the lot that has fallen to them.

Franklin Roosevelt and Stalin find themselves in control of vast countries under-developed or so misdeveloped that their main energies go into internal organization or reorganization. They do not press against their frontiers, therefore, and they do not threaten war. The recent Russian annexations have been precautionary-defensive. But all the same both Russia and America have to cater for that troublesome social stratum quite as much as Europe. The New Deal is plainly an attempt to achieve a working socialism and avert a social collapse in America; it is extraordinarily parallel to the successive "policies" and "Plans" of the Russian experiment. Americans shirk the word "socialism," but what else can one call it?

The British oligarchy, demoralized and slack with the accumulated wealth of a century of advantage, bought off social upheaval for a time by the deliberate and socially demoralizing appeasement of the dole. It has made no adequate effort to employ or educate these surplus people; it has just pushed the dole at them. It even tries to buy off the leader of the Labour Party with a salary of two thousand pounds a year. Whatever we may think of the quality and deeds of the Nazi or Fascist regimes or the follies of their leaders, we must at any rate concede that they attempt, however clumsily, to reconstruct life in a collectivist direction. They are efforts to adjust and construct and so far they are in advance of the British ruling class. The British Empire has shown itself the least constructive of all governing networks. It produces no New Deals, no Five-Year Plans; it keeps on trying to stave off its in-

evitable dissolution and carry on upon the old lines—and apparently it will do that until it has nothing more to give away.

"Peace in our time," that foolishly premature self-congratulation of Mr. Chamberlain, is manifestly the guiding principle of the British elder statesmen. It is that natural desire we all begin to feel after sixty to sit down comfortably somewhere. Unprogressive tranquillity they want at any price, even at the price of a preventive war. This astonishing bunch of rulers has never revealed any conception whatever of a common future before its sprawling Empire. There was a time when that Empire seemed likely to become the nexus of a world system, but now manifestly it has no future but disintegration. Apparently its rulers expected it to go on just as it was for ever. Bit by bit its component parts have dropped away and become quasi-independent powers, generally after an unedifying struggle; southern Ireland for example is neutral in the present war, South Africa hesitated.

Now, and that is why this book is being written, these people, by a string of almost incredible blunders, have entangled what is left of their Empire in a great war to "end Hitler," and they have absolutely no suggestion to offer their antagonists and the world at large of what is to come after Hitler. Apparently they hope to paralyse Germany in some as yet unspecified fashion and then to go back to their golf links or the fishing stream and the doze by the fire after dinner. That is surely one of the most astounding things in history—the possibility of death and destruction beyond all reckoning, and our combatant governments have no idea of what



is to follow when the overthrow of Hitler is accomplished. They seem to be as void of any sense of the future, as completely empty-headed about the aftermath of their campaigns, as one of those American Tones who are "just out against F. D. R. Damn him!"

So the British Empire remains, paying its way down to ultimate bankruptcy, buying itself a respite from the perplexing problems of the future, with the accumulated wealth and power of its past. It is rapidly becoming the most backward political organization in the world. But sooner or later it will have no more money for the dole and no more allies to abandon nor dominions to yield up to their local bosses, and then possibly its disintegration will be complete (R.I.P.), leaving intelligent English people to line up at last with America and the rest of the intelligent world and face the universal problem. Which is: how are we to adapt ourselves to these mighty disruptive forces that are shattering human society as it is at present constituted?

In the compressed countries which have little internal scope and lack the vast natural resources of the Russian and Atlantic communities, the internal tension makes more directly for aggressive warfare, but the fundamental driving force behind their aggressiveness is still the universal trouble, that surplus of young men.

Seen in this broader vision, the present war falls into its true proportions as a stupid conflict upon secondary issues, which is delaying and preventing an overdue world adjustment. That it may kill hundreds of thousands of people does not alter that. An idiot with a revolver can murder a family. He remains an idiot.

From 1914 to 1939 has been a quarter of a century of folly, meanness, evasion, and resentment, and only a very tedious and copious historian would attempt to distribute the blame among those who had played a part in the story. And when he had done it, what he had done would not matter in the least. An almost overwhelmingly difficult problem has confronted us all, and in some measure we have all of us lost our heads in the face of it, lost our dignity, been too clever by half, pinned ourselves to cheap solutions, quarrelled stupidly among ourselves. "We have erred and strayed. . . . We have left undone those things that we ought to have done and we have done those things which we ought not to have done and there is no health in us."

I do not see any way to a solution of the problem of World Peace unless we begin with a confession of universal wrong-thinking and wrong-doing. Then we can sit down to the question of a solution with some reasonable prospect of finding an answer.

Now let us assume that "we" are a number of intelligent men, German, French, English, American, Italian, Chinese, and so forth, who have decided in consequence of the war and in spite of the war, while the war is still going on, to wipe out all these squabbling by-gones from our minds and discuss plainly and simply the present situation of mankind. What is to be done with the world? Let us recapitulate the considerations that so far have been brought into the case and then examine where they lead us, what other general considerations can be brought in, and what prospects they open, if any, of some hopeful concerted action, action

that would so revolutionize the human outlook as to end war and that hectic recurrent waste of human life and happiness, for ever.

Firstly, then, it has been made apparent that humanity is at the end of an age, as age of fragmentation in the management of its affairs, fragmentation politically among separate sovereign states and economically among unrestricted business organizations competing for profit. The abolition of distance, the enormous increase of available power, root causes of all our troubles, have suddenly made what was once a tolerable working system—a system that was perhaps with all its inequalities and injustices the only practicable working system in its time—enormously dangerous and wasteful, so that it threatens to exhaust and destroy our world altogether. Man is like a feckless heir who has suddenly been able to get at his capital and spend it as though it were income. We are living in a phase of violent and irreparable expenditure. There is an intensified scramble among nations and among individuals to acquire, monopolize, and spend. The dispossessed young find themselves hopeless unless they resort to violence. They implement the ever increasing instability. Only a comprehensive collectivization of human affairs can arrest this disorderly self-destruction of mankind. All this has been made plain in what has gone before.

This essential problem, the problem of collectivization, can be viewed from two reciprocal points of view and stated in two different ways. We can ask: "What is to be done to end the world chaos?" and also: "How can we offer the common young man a reasonable and

stimulating prospect of a full life?"

These two questions are the obverse and reverse of one question. What answers one answers the other. The answer to both is that we have to collectivize the world as one system with practically everyone playing a reasonably satisfying part in it. For sound practical reasons, over and above any ethical or sentimental considerations, we have to devise a collectivization that neither degrades nor enslaves.

Our imaginary world conference, then, has to turn itself to the question of how to collectivize the world, so that it will remain collectivized and yet enterprising, interesting, and happy enough to content that common young man who will otherwise reappear, baffled and sullen, at the street corners and throw it into confusion again. To that problem the rest of this book will address itself.

As a matter of fact it is very obvious that at the present time a sort of collectivization is being imposed very rapidly upon the world. Everyone is being enrolled, ordered about, put under control somewhere—even if it is only in an evacuation or concentration camp or what not. This process of collectivization, collectivization of some sort, seems now to be in the nature of things and there is no reason to suppose it is reversible. Some people imagine world peace as the end of that process. Collectivization is going to be defeated and a vaguely conceived reign of law will restore and sustain property, Christianity, individualism, and everything to which the respectable prosperous are accustomed. This is implicit even in the title of such a book as Edward Mousley's *Man or Leviathan*? It is much more reason-

able to think that world peace has to be the necessary completion of that process, and that the alternative is a decadent anarchy. If so, the phrase for the aims of liberal thought should be not *Man or Leviathan?* but *Man Masters Leviathan*.

On this point, the inevitability of collectivization as the sole alternative to universal brigandage and social collapse, our world conference must make itself perfectly clear.

Then it has to turn itself to the much more difficult and complicated question of *how*.

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## CHAPTER VI

### SOCIALISM UNAVOIDABLE

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LET us, even at the cost of a certain repetition, look a little more closely now into the fashion in which the disruptive forces are manifesting themselves in the Western and Eastern hemispheres.

In the Old World the hypertrophy of armies is most conspicuous; in America it was the hypertrophy of big business. But in both the necessity for an increasing collective restraint upon unco-ordinated over-powerful business or political enterprise is more and more clearly recognized.

There is a strong opposition on the part of great interests in America to the President, who has made himself the spear-head of the collectivizing drive; they want to put the brake now on his progressive socialization of the nation, and quite possibly, at the cost of increasing social friction, they may slow down the drift to socialism very considerably. But it is unbelievable

that they dare provoke the social convulsion that would ensue upon a deliberate reversal of the engines or upon any attempt to return to the glorious days of big business, wild speculation, and mounting unemployment before 1927. They will merely slow down the drive. For in the world now all roads lead to socialism or social dissolution.

The tempo of the process is different in the two continents; that is the main difference between them. It is not an opposition. They travel at different rates, but they travel towards an identical goal. In the Old World at present the socialization of the community is going on far more rapidly and thoroughly than it is in America because of the perpetual war threat.

In western Europe now the dissolution and the drive towards socialization progress by leaps and bounds. The British governing class and British politicians generally, overtaken by a war they had not the intelligence to avert, have tried to atone for their slovenly unimaginativeness during the past twenty years in a passion of witless improvisation. God knows what their actual war preparations amount to, but their domestic policy seems to be based on an imperfect study of Barcelona, Guernica, Madrid, and Warsaw. They imagine similar catastrophes on a larger scale—although they are quite impossible, as every steady-headed person who can estimate the available supplies of petrol knows—and they have a terrible dread of being held responsible. They fear a day of reckoning with their long-hambooled lower classes. In their panic they are rapidly breaking up the existing order altogether.

The changes that have occurred in Great Britain in

less than a year are astounding. They recall in many particulars the social dislocation of Russia in the closing months of 1917. There has been a shifting and mixing-up of people that would have seemed impossible to anyone in 1937. The evacuation of the centres of population under the mere exaggerated threat of air raids has been carried out by the authorities in a mood of frantic recklessness. Hundreds of thousands of families have been broken up, children separated from their parents and quartered in the homes of more or less reluctant hosts. Parasites and skin diseases, vicious habits and insanitary practices have been spread, as if in a passion of equalitarian propaganda, from the slums of such centres as Glasgow, London, and Liverpool, throughout the length and breadth of the land. Railways, road traffic, all the normal communications have been dislocated by a universal running about. For a couple of months Great Britain has been more like a disturbed ant-hill than an organized civilized country.

The contagion of funk has affected everyone. Public institutions and great business concerns have bolted to remote and inconvenient sites; the B.B.C. organization, for example, scuffled off headlong from London, needlessly and ridiculously, no man pursuing it. There has been a wild epidemic of dismissals, of servants employed in London, for example, and a still wilder shifting of unsuitable men to novel, unnecessary jobs. Everyone has been exhorted to serve the country; children of twelve, to the great delight of conservative-minded farmers, have been withdrawn from school and put to work on the land; and yet the number of those who have lost their jobs and cannot find any-



thing else to do has gone up by over 100,000.

There have been amateurish attempts to ration food, producing waste here and artificial scarcity there. A sort of massacre of small independent businesses is in progress, mainly to the advantage of the big-provision-dealing concerns, who changed in a night from open profiteers to become the "expert" advisers of food supply. All the expertise they have ever displayed has been the extraction of profits from food supply. But while profits mount, taxation with an air of great resolution sets itself to prune them.

The British public has always been phlegmatic in the face of danger, it is too stout-hearted and too stupid to give way to excesses of fear, but the authorities have thought it necessary to plaster the walls with vast, manifestly expensive posters, headed with a Royal Crown: "*Your courage, your resolution, your cheerfulness will bring us victory.*"

"Oh yus," said the London Cockney. "*You'll get the victory all right. Trust you. On my courage, my resolution, my cheerfulness; you'll use up 'Tommy Atkins' all right. Larf at 'im in a kindly sort of way and use 'im. And then you think you'll put 'im back again on the dust-heap. Again? Twice?*"

That is all too credible. But this time our rulers will emerge discredited and frustrated from the conflict to face a disorganized population in a state of mutinous inquiry. They have made preposterous promises to restore Poland and they will certainly have to eat their words about that. Or, what is more probable, the government will have to give place to another administration which will be able to eat those words for them

with a slightly better grace. There is little prospect of Thanksgiving services or any Armistice night orgy this time. People at home are tasting the hardships of war even more tediously and irritatingly than the men on active service. Cinemas, theatres, have been shut prematurely, black-outs have diminished the safety of the streets and doubled the tale of road casualties. The British crowd is already a sullen crowd. The world has not seen it in such a bad temper for a century and a half, and, let there be no mistake about it, it is far less in a temper with the Germans than it is with its own rulers.

Through all this swirling intimidating propaganda of civil disorder and a systematic suppression of news and criticism of the most exasperating sort, war preparation has proceeded. The perplexed and baffled citizen can only hope that on the military side there has been a little more foresight and less hysteria.

The loss of confidence, and particularly confidence in the government and social order, is already enormous. No one feels secure, in his job, in his services, in his savings, any longer. People lose confidence even in the money in their pockets. And human society is built on confidence. It cannot carry on without it.

Things are like this already and it is only the opening stage of this strange war. The position of the ruling class and the financial people who have hitherto dominated British affairs is a peculiar one. The cost of the war is already enormous, and there is no sign that it will diminish. Income tax, supertax, death duties, taxes on war profits, have been raised to a level that should practically extinguish the once prosperous middle strata

of society altogether. The very wealthy will survive in a shorn and diminished state, they will hang on to the last, but the graded classes that have hitherto intervened between them and the impoverished masses of the population, who will be irritated by war sacrifices, extensively unemployed, and asking more and more penetrating questions, will have diminished greatly. Only by the most ingenious monetary manipulation, by dangerous tax-dodging and expedients verging on sheer scoundrelism, will a clever young man have the ghost of a chance of climbing by the old traditional money-making ladder above his fellows. On the other hand, the career of a public employee will become continually more attractive. There is more interest in it and more self-respect. The longer the war continues, the completer and more plainly irreparable will be the dissolution of the old order.

Now, to many readers who have been incredulous of the statement of the first section of this book, that we are living in the End of an Age, to those who have been impervious to the account of the disruptive forces that are breaking up the social order and to the argument I have drawn from them, who may have got away from all that, so to speak, by saying they are "scientific" or "materialistic" or "sociological" or "high-brow," or that the Providence that has hitherto displayed such a marked bias in favour of well-off, comfortable, sluggish-minded people is sure to do something nice for them at the eleventh hour, the real inconveniences, alarms, losses, and growing disorder of the life about them may at last bring a realization that the situation in western Europe is approaching revolutionary conditions. It will

be a hard saying for many people in the advantage-holding classes, and particularly if they are middle-aged, that the old order has already gone to pieces and can never be put back. But how can they doubt it?

A revolution—that is to say, a more or less convulsive effort at social and political readjustment—is bound to come in all these overstrained countries, in Germany, in Britain, and universally. It is more likely than not to arise directly out of the exasperating diminuendos and crescendos of the present war, as a culminating phase of it. Revolution of some sort we must have. We cannot prevent its onset. But we can affect the course of its development. It may end in utter disaster or it may release a new world, far better than the old. Within these broad limits it is possible for us to make up our minds *how* it will come to us.

And since the only practical question before us is the question of *how* we will take this world revolution we cannot possibly evade, let me recall to your attention the reasons I have advanced in Chapter two of this book for the utmost public discussion of our situation at the present time. And also let me bring back to mind the examination of Marxism in Chapter four. There it is shown how easily a collectivist movement, especially when it is faced by the forcible-feeble resistances and suppressions of those who have hitherto enjoyed wealth and power, may degenerate into an old-fashioned class-war, become conspiratorial, dogmatic, and inadaptable, and sink towards leader-worship and autocracy. That apparently is what has happened in Russia in its present phase. We do not know how much of the original revolutionary spirit survives there, and a

real fundamental issue in the world situation is whether we are to follow in the footsteps of Russia or whether we are going to pull ourselves together, face the stern logic of necessity, and produce a Western Revolution, which will benefit by the Russian experience, react upon Russia, and lead ultimately to a world understanding.

What is it that the Atlantic world finds most objectionable in the Soviet world of today? Is it any disapproval of collectivism as such? Only in the case of a dwindling minority of rich and successful men—and very rarely of the sons of such people. Very few capable men under fifty nowadays remain individualists in political and social matters. They are not even fundamentally anti-Communist. Only it happens that for various reasons the political life of the community is still in the hands of unteachable old-fashioned people. What are called “democracies” suffer greatly from the rule of old men who have not kept pace with the times. The real and effective disapproval, distrust, and disbelief in the soundness of the Soviet system lie not in the out-of-date individualism of these elderly types, but in the conviction that it can never achieve efficiency or even maintain its honest ideal of each for all and all for each unless it has free speech and an insistence upon legally defined freedoms for the individual within the collectivist framework. We do not deplore the Russian Revolution as a revolution. We complain that it is not a good enough revolution and we want a better one.

The more highly things are collectivized, the more necessary is a legal system embodying the Rights of Man. This has been forgotten under the Soviets, and

so men go in fear there of arbitrary police action. But the more functions your government controls, the more need there is for protective law. The objection to Soviet collectivism is that, lacking the antiseptic of legally assured personal freedom, it will not keep. It professes to be fundamentally a common economic system based on class-war ideas; the industrial director is under the heel of the party commissar; the political police have got altogether out of hand; and affairs gravitate inevitably towards an oligarchy or an autocracy protecting its incapacity by the repression of adverse comment.

But these valid criticisms merely indicate the sort of collectivization that has to be avoided. It does not dispose of collectivism as such. If we in our turn do not wish to be submerged by the wave of Bolshevization that is evidently advancing from the East, we must implement all these valid objections and create a collectivization that will be more efficient, more prosperous, tolerant, free, and rapidly progressive than the system we condemn. We, who do not like the Stalinized-Marxist state, have, as they used to say in British politics, to “dish” it by going one better. We have to confront Eastern-spirited collectivism with Western-spirited collectivism.

Perhaps this may be better put. We may be giving way to a subconscious conceit here and assuming that the West is always going to be thinking more freely and clearly and working more efficiently than the East. It is like that now, but it may not always be like that. Every country has had its phases of illumination and its phases of blindness. Stalin and Stalinism are neither the beginning nor the end of the collectivization of Russia.



We are dealing with something still almost impossible to estimate, the extent to which the new Russian patriotism and the new Stalin-worship have effaced, and how far they have merely masked, the genuinely creative international communism of the revolutionary years. The Russian mind is not a docile mind, and most of the literature available for a young man to read in Russia, we must remember, is still revolutionary. There has been no burning of the books there. The Moscow radio talks for internal consumption since the Hitler-Stalin understanding betray a great solicitude on the part of the government to make it clear that there has been no sacrifice of revolutionary principle. That witnesses to the vitality of public opinion in Russia. The clash between the teachings of 1920 and 1940 may have a liberating effect on many people's minds. Russians love to talk about ideas. Under the Czar they talked. It is incredible that they do not talk under Stalin.

That question whether collectivization is to be "Westernized" or "Easternized," using these words under the caveat of the previous paragraph, is really the first issue before the world today. We need a fully ventilated Revolution. Our Revolution has to go on in the light and air. We may have to accept sovietization *à la Russe* quite soon unless we can produce a better collectivization. But if we produce a better collectivization it is more probable than not that the Russian system will incorporate our improvements, forget its reviving nationalism again, debunk Marx and Stalin, so far as they can be debunked, and merge into the one world state.

Between these primary antagonists, between Revolution with its eyes open and Revolution with a mask and a gag, there will certainly be complications of the issue due to patriotism and bigotry and the unteachable wilful blindness of those who do not want to see. Most people lie a lot to themselves before they lie to other people, and it is hopeless to expect that all the warring cults and traditions that confuse the mind of the race today are going to fuse under a realization of the imperative nature of the human situation as I have stated it here. Multitudes will never realize it. Few human beings are able to change their primary ideas after the middle thirties. They get fixed in them and drive before them no more intelligently than animals drive before their innate impulses. They will die rather than change their second selves.

One of the most entangling of these disconcerting secondary issues is that created by the stupid and persistent intrigues of the Roman Catholic Church.

Let me be clear here. I am speaking of the Vatican and of its sustained attempts to exercise a directive role in secular life. I number among my friends many Roman Catholics who have built the most charming personalities and behaviour systems on the framework provided them by their faith. One of the loveliest characters I have ever known was G. K. Chesterton. But I think he was just as fine before he became a Catholic as afterwards. Still he found something he needed in Catholicism. There are saints of all creeds and of none, so good are the better possibilities of human nature. Religious observances provide a frame that many find



indispensable for the seemingly ordering of their lives. And outside the ranks of "strict" observers many good people with hardly more theology than a Unitarian, love to speak of goodness and kindness as Christianity. So-and-so is a "good Christian." Voltaire, says Alfred Noyes, the Catholic writer, was a "good Christian." I do not use the word "Christianity" in that sense because I do not believe that Christians have any monopoly of goodness. When I write of Christianity, I mean Christianity with a definite creed and militant organization and not these good, kind people, good and kind but not very fastidious about the exact use of words.

Such "good Christians" can be almost as bitterly critical as I am of the continual pressure upon the faithful by that inner group of Italians in Rome, subsidized by the Fascist government, who pull the strings of Church policy throughout the world, so as to do this or that tortuous or uncivilized thing, to cripple education, to persecute unorthodox ways of living.

It is to the influence of the Church that we must ascribe the foolish support by the British Foreign Office of Franco, that murderous little "Christian gentleman," in his overthrow of the staggering liberal renaissance of Spain. It is the Roman Catholic influence the British and French have to thank for the fantastic blundering that involved them in the defence of the impossible Polish state and its unrighteous acquisitions; it affected British policy in respect to Austria and Czechoslovakia profoundly, and now it is doing its utmost to maintain and develop a political estrangement between Russia and the Western world by its prejudiced exacerbation of the idea that Russia is "anti-God" while we Western-

ers are little children of the light, gallantly fighting on the side of the Cross, Omnipotence, Greater Poland, national sovereignty, the small uneconomic prolific farmer and shopkeeper, and anything else you like to imagine constitutes "Christendom."

The Vatican strives perpetually to develop the present war into a religious war. It is trying to steal the war. By all the circumstances of its training it is unteachable. It knows no better. It will go on—until some economic revolution robs it of its funds. Then as a political influence it may evaporate very rapidly. The Anglican Church and many other Protestant sects, the wealthy Baptists, for example, follow suit.

It is not only in British affairs that this propaganda goes on. With the onset of war France becomes militant and Catholic. It has suppressed the Communist Party, as a gesture of resentment against Russia and a precaution against post-war collectivization. The Belgian caricaturist Raemaekers is now presenting Hitler day after day as a pitiful weakling already disposed of and worthy of our sympathy, while Stalin is represented as a frightful giant with horns and a tail. Yet both France and Britain are at peace with Russia and have every reason to come to a working understanding with that country. The attitude of Russia to the war has on the whole been cold, contemptuous, and reasonable.

It is not as if these devious schemes can take us somewhere; it is not that this restoration of the Holy Roman Empire is a possibility. You confront these Catholic politicians, just as you confront the politicians of Westminster, with these two cardinal facts: the abolition of distance and the change of scale. In vain. You cannot

get any realization of the significance of these things into those idea-proofed skulls. They are deaf to it, blind to it. They cannot see that it makes any difference at all to their long-established mental habits. If their minds waver for a moment they utter little magic prayers to exorcize the gleam.

What, they ask, has "*mere size*" to do with the soul of man, "*mere speed, mere power*"? What can the young do better than subdue their natural urgency to live and do? What has *mere* life to do with the religious outlook? The war, these Vatican propagandists insist, is a "crusade" against modernism, against socialism and free thought; the restoration of priestly authority is its end; our sons are fighting to enable the priest to thrust his pious uncleanness once again between reader and book, child and knowledge, husband and wife, sons and lovers. While honest men are fighting now to put an end to military aggression, to resume indeed that "war to end war" that was aborted to give us the League of Nations, these bigots are sedulously perverting the issue, trying to represent it as a religious war against Russia in particular and the modern spirit in general.

The well-trained Moslem, the American fundamentalist, the orthodox Jew, all the fixed cultures, produce similar irrelevant and wasteful resistances, but the Catholic organization reaches further and is more persistent. It is frankly opposed to human effort and the idea of progress. It makes no pretence about it.

Such cross-activities as these complicate, delay, and may even sabotage effectively every effort to solve the problem of a lucid collectivization of the world's affairs, but they do not alter the essential fact that it is only

through a rationalization and coalescence of constructive revolutionary movements everywhere and a liberal triumph over the dogmatism of the class war that we can hope to emerge from the present wreckage of our world.

## CHAPTER VII

### FEDERATION

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LET US now take up certain vaguely constructive proposals which seem at present to be very much in people's minds. They find their cardinal expression in a book called *Union Now* by Mr. Clarence K. Streit, which has launched the magic word "Federation" upon the world. The "democracies" of the world are to get together upon a sort of enlargement of the Federal Constitution of the United States (which produced one of the bloodiest civil wars in all history) and then all will be well with us.

Let us consider whether this word "Federation" is of any value in organizing the Western Revolution. I would suggest it is. I think it may be a means of mental release for many people who would otherwise have remained dully resistant to any sort of change.

This Federation project has an air of reasonableness. It is attractive to a number of influential people who

wish with the minimum of adaptation to remain influential in a changing world, and particularly is it attractive to what I may call the liberal-conservative elements of the prosperous classes in America and Great Britain and the Oslo countries, because it puts the most difficult aspect of the problem, the need for a collective socialization, so completely in the background that it can be ignored. This enables them to take quite a bright and hopeful view of the future without any serious hindrance to their present preoccupations.

They think that Federation, reasonably defined, may suspend the possibility of war for a considerable period and so lighten the burden of taxation that the present crushing demands on them will relax and they will be able to resume, on a slightly more economical scale perhaps, their former way of living. Everything that gives them hope and self-respect and preserves their homes from the worst indignities of panic, appeasement, treason-hunting, and the rest of it is to be encouraged, and meanwhile their sons will have time to think and it may be possible so to search, ransack, and rationalize the Streit project as to make a genuine and workable scheme for the socialization of the world.

In *The Fate of Homo sapiens* I examined the word "democracy" with some care, since it already seemed likely that great quantities of our young men were to be asked to cripple and risk their lives for its sake. I showed that it was still a very incompletely realized aspiration, that its complete development involved socialism and a level of education and information attained as yet by no community in the world. Mr. Streit gives a looser, more rhetorical statement—a more idealistic statement, shall

we say?—of his conception of democracy, the sort of statement that would be considered wildly exaggerated even if it was war propaganda; and though unhappily it is remote from any achieved reality, he proceeds without further inquiry as if it were a description of existing realities in what he calls the “democracies” of the world. In them he imagines he finds “government of the people, *by* the people, *for* the people.”

In the book I have already cited I discuss *What is Democracy?* and *Where is Democracy?* I do my best there to bring Mr. Streit down to the harsh and difficult facts of the case. I will go now a little more into particulars in my examination of his project.

His “founder democracies” are to be: “The American Union, the British Commonwealth (specifically the United Kingdom, the Federal Dominion of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, Ireland), the French Republic, Belgium, the Netherlands, the Swiss Confederation, Denmark, Norway, Sweden, and Finland.”

Scarcely one of these, as I have shown in that former book, is really a fully working democracy. And the Union of South Africa is a particularly bad and dangerous case of race tyranny. Ireland is an incipient religious war, and not one country, but two. Poland, I note, does not come into Mr. Streit’s list of democracies at all. His book was written in 1938 when Poland was a totalitarian country holding, in defiance of the League of Nations, Vilna, which it had taken from Lithuania, large areas of non-Polish country it had *conquered* from Russia, and fragments gained by the dismemberment of Czechoslovakia. It only became a democracy, even

technically and for a brief period, before its collapse in September 1939, when Mr. Chamberlain was so foolish as to drag the British Empire into a costly and perilous war, on its behalf. But that is by the way. None of these fifteen (or ten) “founder democracies” are really democracies at all. So we start badly. But they might be made socialist democracies and their federation might be made something very real indeed—at a price. The U.S.S.R. is a federated socialist system, which has shown a fairly successful political solidarity during the past two decades, whatever else it has done or failed to do.

Now let us help Mr. Streit to convert his “federation” from a noble but extremely rhetorical aspiration into a living reality. He is aware that this must be done at a price, but I want to suggest that that price is, from what I judge to be his point of view, far greater, and the change much simpler, more general, and possibly even closer at hand, than he supposes. He is disposed to appeal to existing administrative organizations, and it is questionable whether they are the right people to execute his designs. One of the difficulties he glosses over is the possible reluctance of the India Office to hand over the control of India (Ceylon and Burma he does not mention) to the new Federal government, which would also, I presume, take charge of the fairly well governed and happy fifty-odd million people of the Dutch East Indies, the French colonial empire, the West Indies, and so on. This, unless he proposes merely to rechristen the India Office, etc., is asking for an immense outbreak of honesty and competence on the part of the new Federal officialdom. It is also treating the



possible contribution of these five or six hundred million of dusky peoples to the new order with a levity inconsistent with democratic ideals.

Quite a lot of these people have brains which are as good as normal European brains or better. You could educate the whole world to the not very exalted level of a Cambridge graduate in a single lifetime, if you had schools, colleges, apparatus, and teachers enough. The radio, the cinema, the gramophone, the improvements in both production and distribution, have made it possible to increase the range and effectiveness of a gifted teacher a thousandfold. We have seen intensive war preparations galore, but no one has dreamt yet of an intensive educational effort. None of us really likes to see other people being educated. They may be getting an advantage over our privileged selves. Suppose we overcome that primitive jealousy. Suppose we speed up—as we are now physically able to do—the education and enfranchisement of these huge undeveloped reservoirs of human capacity. Suppose we tack that on to the *Union Now* idea. Suppose we stipulate that Federation, wherever it extends, means a new and powerful education. In Bengal, in Java, in the Congo Free State, quite as much as in Tennessee or Georgia or Scotland or Ireland. Suppose we think a little less about “gradual enfranchisement” by votes and experiments in local autonomy and all those old ideas, and a little more about the enfranchisement of the mind. Suppose we drop that old cant about politically immature peoples.

That is one direction in which Mr. Streit's proposals are open to improvement. Let us turn to another in which he does not seem to have realized all the implica-

tions of his proposal. This great Union is to have a union money and a union customs-free economy. What follows upon that? More, I think, than he realizes.

There is one aspect of money to which the majority of those that discuss it seem to be incurably blind. You cannot have a theory of money or any plan about money by itself in the air. Money is not a thing in itself; it is a working part of an economic system. Money varies in its nature with the laws and ideas of property in a community. As a community moves towards collectivism and communism, for example, money simplifies out. Money is as necessary in a communism as it is in any other system, but its function therein is at its simplest. Payment in kind to the worker gives him no freedom of choice among the goods the community produces. Money does. Money becomes the incentive that “works the worker” and nothing more.

But directly you allow individuals not only to obtain goods for consumption, but also to obtain credit to procure material for types of production outside the staple productions of the state, the question of credit and debt arises and money becomes more complicated. With every liberation of this or that product or service from collective control to business or experimental exploitation, the play of the money system enlarges and the laws regulating what you may do with your money, what interest you may take for it, the company laws, bankruptcy laws, and so forth increase. In any highly developed collective system the administration will certainly have to give credits for hopeful experimental enterprises. When the system is not a collectivism, monetary operations for gain are bound to

creep in and become more and more complicated. Where most of the substantial side of life is entrusted to unco-ordinated private enterprise, the intricacy of the money apparatus increases enormously. Monetary manipulation becomes a greater and greater factor in the competitive struggle, not only between individuals and firms, but between states. As Mr. Streit himself shows, in an excellent discussion of the abandonment of the gold standard, inflation and deflation become devices in international competition. Money becomes strategic, just as pipe lines and railways can become strategic.

This being so, it is plain that for the Federal Union a common money means an identical economic life throughout the Union. And this too is implied also in Mr. Streit's "customs-free" economy. It is impossible to have a common money when a dollar or a pound, or whatever it is, can buy this, that, or the other advantage in one state and is debarred from anything but bare purchases for consumption in another. So that this Federal Union is bound to be a uniform economic system. There can be only very slight variations in the control of economic life.

In the preceding chapters the implacable forces that make for the collectivization of the world or disaster have been exposed. It follows that "Federation" means practically uniform socialism within the Federal limits, leading, as state after state is incorporated, to world socialism. There manifestly we carry Mr. Streit farther than he realizes he goes—as yet. For it is fairly evident that he is under the impression that a large measure of independent private business is to go on throughout the

Union. I doubt if he imagines it is necessary to go beyond the partial socialization already achieved by the New Deal. But we have assembled evidence to show that the profit scramble, the wild days of uncorrelated "business," are over for ever.

And again though he realizes and states very clearly that governments are made for man and not man for governments, though he applauds the great declarations of the Convention that created the American Constitution, wherein "We the people of the United States" overrode the haggling of the separate states and established the American Federal Constitution, nevertheless he is curiously chary of superseding any existing legal governments in the present world. He is chary of talking of "We the people of the world." But many of us are coming to realize that *all* existing governments have to go into the melting-pot, we believe that it is a world revolution which is upon us, and that in the great struggle to evoke a Westernized World Socialism contemporary governments may vanish like straw hats in the rapids of Niagara. Mr. Streit, however, becomes extraordinarily legal-minded at this stage. I do not think that he realizes the forces of destruction that are gathering and so I think he hesitates to plan a reconstruction upon anything like the scale that may become possible.

He evades even the obvious necessity that under a Federal government the monarchies of Great Britain, Belgium, Norway, Sweden, Holland, if they survive at all, must become like the mediatized sovereigns of the component states of the former German Empire, mere ceremonial vestiges. Perhaps he thinks that, but he does not say it outright. I do not know if he has pondered

the New York World's Fair of 1939 nor the significance of the Royal Visit to America in that year, and thought how much there is in the British system that would have to be abandoned if his Federation is to become a reality. In most of the implications of the word, it must cease to be "British." His Illustrative Constitution is achieved with an altogether forensic disregard of the fundamental changes in human conditions to which we have to adapt ourselves or perish. He thinks of war by itself and not as an eruption due to deeper maladaptations. But if we push his earlier stipulations to their necessary completion, we need not trouble very much about that sample constitution of his, which is to adjust the balance so fairly among the constituent states. The abolition of distance must inevitably substitute functional associations and loyalties for local attributions, if human society does not break up altogether. The local divisions will melt into a world collectivity, and the main conflicts in a progressively unifying Federation are much more likely to be these between different world-wide types and associations of workers.

So far with *Union Now*. One of Mr. Streit's outstanding merits is that he has had the courage to make definite proposals on which we can bite. I doubt if a European could have produced any such book. Its naïve political legalism, its idea of salvation by constitution, and its manifest faith in the magic beneficence of private enterprise are distinctly in the vein of an American, almost a pre-New-Deal American, who has become, if anything, more American through his experiences of the deepening disorder of Europe. So many Americans still look on at world affairs like specta-

tors at a ball game who are capable of vociferous partisanship but still have no real sense of participation; they do not realize that the ground is moving under their seats also, and that the social revolution is breaking surface to engulf them in their turn. To most of us—to most of us over forty at any rate—the idea of a fundamental change in our way of life is so unpalatable that we resist it to the last moment.

Mr. Streit betrays at times as vivid a sense of advancing social collapse as I have, but it has still to occur to him that that collapse may be conclusive. There may be dark ages, a relapse into barbarism, but somehow and somehow he thinks man *must* recover. George Bernard Shaw has recently been saying the same thing.

It may be worse than that.

I have given Mr. Streit scarcely a word of praise, because that would be beside the mark here. He wrote his book sincerely as a genuine contribution to the unsystematic world conference that is now going on, admitting the possibility of error, demanding criticism, and I have dealt with it in that spirit.

Unfortunately his word has gone much further than his book. His book says definite things and even when one disagrees with it, it is good as a point of departure. But a number of people have caught up this word "Federation," and our minds are distracted by a multitude of appeals to support Federal projects with the most various content or with no content at all.

All the scores and hundreds of thousands of nice people who were signing peace pledges and so forth a few years ago, without the slightest attempt in the world to understand what they meant by peace, are now echoing



this new magic word with as little conception of any content for it. They did not realize that peace means so complicated and difficult an ordering and balancing of human society that it has never been sustained since man became man, and that we have wars and preparatory interludes between wars because that is a much simpler and easier sequence for our wilful, muddle-headed, suspicious, and aggressive species. These people still think we can get this new and wonderful state of affairs just by clamouring for it.

And having failed to get peace by saying "Peace" over and over again, they are now with an immense sense of discovery saying "Federation." What must happen to men in conspicuous public positions I do not know, but even an irresponsible literary man like myself finds himself inundated with innumerable lengthy private letters, hysterical postcards, pamphlets from budding organizations, "declarations" to sign, demands for subscriptions, all in the name of the new panacea, all as vain and unproductive as the bleating of lost sheep. And I cannot open a newspaper without finding some eminent contemporary writing a letter to it, saying gently, firmly, and bravely the same word, sometimes with bits of *Union Now* tacked on to it, and sometimes with minor improvements, but often with nothing more than the bare idea.

All sorts of idealistic movements for world peace which have been talking quietly to themselves for years and years have been stirred up to follow the new banner. Long before the Great War there was a book by Sir Max Waechter, a friend of King Edward VII, advocating the United States of Europe, and that inexact but

flattering parallelism to the United States of America has recurred frequently; as a phrase thrown out by Monsieur Briand for example, and as a project put forward by an Austrian-Japanese writer, Count Coudenhove-Kalergi, who even devised a flag for the Union. The main objection to the idea is that there are hardly any states completely in Europe, except Switzerland, San Marino, Andorra, and a few of the Versailles creations. Almost all the other European states extend far beyond the European limits both politically and in their sympathies and cultural relations. They trail with them more than half mankind. About a tenth of the British Empire is in Europe and still less of the Dutch Empire; Russia, Turkey, France, are less European than not; Spain and Portugal have their closest links with South America.

Few Europeans think of themselves as "Europeans." I, for example, am English, and a large part of my interests, intellectual and material, are Transatlantic. I dislike calling myself "British" and I like to think of myself as a member of a great English-speaking community, which spreads irrespective of race and colour round and about the world. I am annoyed when an American calls me a "foreigner"—war with America would seem to me just as insane as war with Cornwall—and I find the idea of cutting myself off from the English-speaking peoples of America and Asia to follow the flag of my Austrian-Japanese friend into a federally bunched-up Europe extremely unattractive.

It would, I suggest, be far easier to create the United States of the World, which is Mr. Streit's ultimate objective, than to get together the so-called continent of



Europe into any sort of unity.

I find most of these United States of Europe movements are now jumping on to the Federation bandwagon.

My old friend and antagonist Lord David Davies, for instance, has recently succumbed to the infection. He was concerned about the problem of a World Pax in the days when the League of Nations Society and other associated bodies were amalgamated in the League of Nations Union. He was struck then by an idea, an analogy, and the experience was unique for him. He asked why individuals went about in modern communities in nearly perfect security from assault and robbery, without any need to bear arms. His answer was the policeman. And from that he went on to the question of what was needed for states and nations to go their ways with the same blissful immunity from violence and plunder, and it seemed to him a complete and reasonable answer to say: "an international policeman." And there you were! He did not see, he is probably quite incapable of seeing, that a state is something quite different in its nature and behaviour from an individual human being. When he was asked to explain how that international policeman was to be created and sustained, he just went on saying "international policeman." He has been saying it for years. Sometimes it seems it is to be the League of Nations, sometimes the British Empire, sometimes an international Air Force, that is to undertake this grave responsibility. The bench before which the policeman is to hale the offender and the position of the lock-up are not indicated. Finding our criticisms uncongenial, his lordship

went off with his great idea, like a penguin which has found an egg, to incubate it alone. I hope he will be spared to say "international policeman" for many years to come, but I do not believe he has ever perceived or ever will perceive that, brilliant as his one inspiration was, it still left vast areas of the problem in darkness. Being a man of considerable means, he has been able to sustain a "New Commonwealth" movement and publish books and a periodical in which his one great idea is elaborated rather than developed.

But I will not deal further with the very incoherent multitude that now echoes this word "Federation." Many among them will cease to cerebration further and fall by the wayside, but many will go on thinking, and if they go on thinking they will come to perceive more and more clearly the realities of the case. Federation, they will feel, is not enough.

So much for the present "Federalist" front. As a fundamental basis of action, as a declared end, it seems hopelessly vague and confused and, if one may coin a phrase, hopelessly optimistic. But since the concept seems to be the way to release a number of minds from belief in the sufficiency of a League of Nations, associated or not associated with British Imperialism, it has been worth while to consider how it can be amplified and turned in the direction of that full and open-eyed world-wide collectivization which a study of existing conditions obliges us to believe is the only alternative to the complete degeneration of our species.

## CHAPTER VIII

### THE NEW TYPE OF REVOLUTION

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LET us return to our main purpose, which is to examine the way in which we are to face up to this impending World Revolution.

To many minds this idea of Revolution is almost inseparable from visions of street barricades made of paving-stones and overturned vehicles, ragged mobs armed with impromptu weapons and inspired by defiant songs, prisons broken and a general jail delivery, palaces stormed, a great hunting of ladies and gentlemen, decapitated but still beautiful heads on pikes, regicides of the most sinister quality, the busy guillotine, a crescendo of disorder ending in a whiff of grape-shot. . . .

That was one type of Revolution. It is what one might call the Catholic type of Revolution; that is to say, it is the ultimate phase of a long period of Catholic living and teaching. People do not realize this and

some will be indignant at its being stated so barely. Yet the facts stare us in the face, common knowledge, not to be denied. That furious, hungry, desperate, brutal mob was the outcome of generations of Catholic rule, Catholic morality, and Catholic education. The King of France was the "Most Christian King, the eldest son of the Church"; he was master of the economic and financial life of the community, and the Catholic Church controlled the intellectual life of the community and the education of the people absolutely. That mob was the outcome. It is absurd to parrot that Christianity has never been tried. Christianity in its most highly developed form has been tried and tried again. It was tried for centuries fully and completely, in Spain, France, Italy. It was responsible for the filth and chronic pestilence and famine of medieval England. It inculcated purity but it never inculcated cleanliness. Catholic Christianity had practically unchallenged power in France for generations. It was free to teach as it chose and as much as it chose. It dominated the common life entirely. The Catholic system in France cannot have reaped anything it did not sow, for no other sowers were allowed. That hideous mob of murderous ragamuffins we are so familiar with in pictures of the period was the final harvest of its regime.

The more Catholic reactionaries revile the insurgent common people of the first French Revolution, the more they condemn themselves. It is the most impudent perversion of reality for them to snivel about the guillotine and the tumbrils, as though these were not purely Catholic products, as though they came in suddenly from outside to wreck a genteel paradise. They were

the last stage of the systematic injustice and ignorance of a strictly Catholic regime. One phase succeeded another with relentless logic. The *Marseillaise* completed the life-cycle of Catholicism.

In Spain too and in Mexico we have seen undisputed educational and moral Catholic ascendancy, the Church with a free hand, producing a similar uprush of blind resentment. The crowds there also were cruel and blasphemous; but Catholicism cannot complain, for Catholicism hatched them. Priests and nuns *who had been the sole teachers of the people* were insulted and outraged and churches defiled. Surely if the Church is anything like what it claims to be, the people would have loved it. They would not have behaved as though sacrilege was a gratifying relief.

But these Catholic Revolutions are only specimens of one single type of Revolution. A Revolution need not be a spontaneous storm of indignation against intolerable indignities and deprivations. It can take quite other forms.

As a second variety of Revolution, which is in sharp contrast with the indignation-revolt in which so many periods of unchallenged Catholic ascendancy have ended, we may take what we may call the "revolution conspiracy," in which a number of people set about organizing the forces of discomfort and resentment and loosening the grip of the government's forces in order to bring about a fundamental change of system. The ideal of this type is the Bolshevik Revolution in Russia, provided it is a little simplified and misunderstood. This, reduced to a working theory by its advocates, is conceived of as a systematic cultivation of a public state of

mind favourable to a Revolution together with an inner circle of preparation for a "seizure of power." Quite a number of Communist and other Leftish writers, bright young men, without much political experience, have let their imaginations loose upon the "technique" of such an adventure. They have brought the Nazi and Fascist Revolutions into the material for their studies. Modern social structure, with its concentration of directive, informative, and coercive power about radio stations, telephone exchanges, newspaper offices, police stations, arsenals, and the like, lends itself to quasi-gangster exploitation of this type. There is a great rushing about and occupation of key centres, an organized capture, imprisonment or murder of possible opponents, and the country is confronted with a *fait accompli*. The regimentation of the more or less reluctant population follows.

But a Revolution need be neither an explosion nor a *coup d'état*. And the Revolution that lies before us now as the only hopeful alternative to chaos, either directly or after an interlude of world communism, is to be attained, if it is attained at all, by neither of these methods. The first is too rhetorical and chaotic and leads simply to a Champion and tyranny; the second is too conspiratorial and leads through an obscure struggle of masterful personalities to a similar end. Neither is lucid enough and deliberate enough to achieve a permanent change in the form and texture of human affairs.

An altogether different type of Revolution may or may not be possible. No one can say that it is possible unless it is tried, but one can say with some assurance



that unless it can be achieved the outlook for mankind for many generations at least is hopeless. The new Revolution aims essentially at a change in directive ideas. In its completeness it is an untried method.

It depends for its success upon whether a sufficient number of minds can be brought to realize that the choice before us now is *not* a choice between further revolution or more or less reactionary conservatism, but a choice between so carrying on and so organizing the process of change in our affairs as to produce a new world order, or suffering an entire and perhaps irreparable social collapse. Our argument throughout has been that things have gone too far ever to be put back again to any similitude of what they have been. We can no more dream of remaining where we are than think of going back in the middle of a dive. We must go through with these present changes, adapt ourselves to them, adjust ourselves to the plunge, or be destroyed by them. We must go through with these changes just as we must go through this ill-conceived war, because there is as yet no possible end for it.

There will be no possible way of ending it until the new Revolution defines itself. If it is patched up now without a clear-headed settlement understood and accepted throughout the world, we shall have only the simulacrum of a peace. A patched-up peace now will not even save us from the horrors of war; it will postpone them only to aggravate them in a few years' time. You cannot end this war yet, you can at best adjourn it.

The reorganization of the world has at first to be mainly the work of a "movement" or a party or a religion or cult, whatever we choose to call it. We may

call it the New Liberalism or the New Radicalism or what not. It will not be a close-knit organization, toeing the party line and so forth. It may be very loose-knit and many-faceted, but if a sufficient number of minds throughout the world, irrespective of race, origin, or economic and social habituations, can be brought to the free and candid recognition of the essentials of the human problem, then their effective collaboration in a conscious, explicit, and open effort to reconstruct human society will ensue.

And to begin with they will do all they can to spread and perfect this conception of a new world order, which they will regard as the only working frame for their activities, while at the same time they will set themselves to discover and associate with themselves everyone, everywhere, who is intellectually able to grasp the same broad ideas and morally disposed to realize them.

The distribution of this essential conception one may call propaganda, but in reality it is education. The opening phase of this new type of Revolution must involve therefore a campaign for a reinvigorated and modernized education throughout the world, an education that will have the same ratio to the education of a couple of hundred years ago as the electric lighting of a contemporary city has to the chandeliers and oil lamps of the same period. On its present mental levels humanity can do no better than what it is doing now.

Vitalizing education is only possible when it is under the influence of people who are themselves learning. It is inseparable from the modern idea of education that it should be knit up to incessant research. I say research rather than science. It is the better word because



it is free from any suggestion of that finality which means dogmatism and death.

All education tends to become stylistic and sterile unless it is kept in close touch with experimental verification and practical work, and consequently this new movement of revolutionary initiative must at the same time be sustaining realistic political and social activities and working steadily for the collectivization of governments and economic life. The intellectual movement will be only the initiatory and correlating part of the new revolutionary drive. These practical activities must be various. Everyone engaged in them must be thinking for himself and not waiting for orders. The only dictatorship he will recognize is the dictatorship of the plain understanding and the invincible fact.

And if this culminating Revolution is to be accomplished, then the participation of every conceivable sort of human being who has the mental grasp to see these broad realities of the world situation and the moral quality to do something about it must be welcomed.

Previous revolutionary thrusts have been vitiated by bad psychology. They have given great play to the gratification of the inferiority complexes that arise out of class disadvantages. It is no doubt very unjust that anyone should be better educated, healthier, and less fearful of the world than anyone else, but that is no reason why the new Revolution should not make the fullest use of the health, education, vigour, and courage of the fortunate. The Revolution we are contemplating will aim at abolishing the bitterness of frustration. But certainly it will do nothing to avenge it. Nothing whatever. Let the dead past punish its dead.

It is one of the most vicious streaks in the Marxist teaching to suggest that all people of wealth and capacity living in a community in which unco-ordinated private enterprise plays a large part are necessarily demoralized by the advantages they enjoy and that they must be dispossessed by the worker and the peasant, who are presented as endowed with a collective virtue capable of running all the complex machinery of a modern community. But the staring truth of the matter is that an unco-ordinated scramble between individuals and nations alike demoralizes all concerned. Everyone is corrupted, the filching tramp by the roadside, the servile hand-kissing peasant of eastern Europe, the dole-bribed loafer, as much as the woman who marries for money, the company promoter, the industrial organizer, the rent-exacting landlord, and the diplomatic agent. When the social atmosphere is tainted everybody is ill.

Wealth, personal freedom, and education may and do produce wasters and oppressive people, but they may also release creative and administrative minds to opportunity. The history of science and invention before the nineteenth century confirms this. On the whole if we are to assume there is anything good in humanity at all, it is more reasonable to expect it to appear when there is most opportunity.

And in further confutation of the Marxist caricature of human motives, we have the very considerable number of young people drawn from middle-class and upper-class homes who figure in the extreme Left movement everywhere. It is their moral reaction to the "stiffness" and social ineffectiveness of their parents

and their own sort of people. They seek an outlet for their abilities that is not gainful but serviceable. Many have sought an honourable life—and often found it, and death with it—in the struggle against the Catholics and their Moorish and Fascist helpers in Spain.

It is a misfortune of their generation that so many of them have fallen into the mental traps of Marxism. It has been my absurd experience to encounter noisy meetings of expensive young men at Oxford, not one of them stunted physically as I was by twenty years of undernourishment and devitalized upbringing, all pretending to be rough-hewn collarless proletarians in shocked revolt against my bourgeois tyranny and the modest comfort of my declining years, and reciting the ridiculous class-war phrases by which they protected their minds from any recognition of the realities of the case. But though that attitude demonstrates the unstimulating education of their preparatory and public schools, which had thrown them thus uncritical and emotional into the problems of undergraduate life, it does not detract from the fact that *they had found the idea of abandoning themselves to a revolutionary reconstruction of society*, that promised to end its enormous waste of potential happiness and achievement, *extremely attractive*, notwithstanding that their own advantages seemed to be reasonably secure.

Faced with the immediate approach of discomfort, indignity, wasted years, mutilation—death is soon over, but one wakes up again to mutilation every morning—because of this ill-conceived war; faced also by the reversion of Russia to autocracy and the fiscal extinction of most of the social advantages of their families; these

young people with a Leftish twist are likely not only to do some very profitable re-examination of their own possibilities but also to find themselves joined in that re-examination by a very considerable number of others who have hitherto been repelled by the obvious foolishness and insincerity of the hammer and sickle symbols (workers and peasants of Oxford!) and the exasperating dogmatism of the orthodox Marxist. And may not these young people, instead of waiting to be overtaken by an insurrectionary revolution from which they will emerge greasy, unshaven, class-conscious, and in incessant danger of liquidation, decide that before the Revolution gets hold of them they will get hold of the Revolution and save it from the inefficiency, mental distortions, disappointments, and frustrations that have overtaken it in Russia.

This new and complete Revolution we contemplate can be defined in a very few words. It is (a) outright world-socialism, scientifically planned and directed, *plus* (b) a sustained insistence upon law, law based on a fuller, more jealously conceived restatement of the personal Rights of Man, *plus* (c) the completest freedom of speech, criticism, and publication, and a sedulous expansion of the educational organization to the ever growing demands of the new order. What we may call the Eastern or Bolshevik Collectivism, the Revolution of the *Internationale*, has failed to achieve even the first of these three items and it has never even attempted the other two.

Putting it at its compactest, it is the triangle of Socialism, Law, and Knowledge which frames the Revolution that may yet save the world.

Socialism! Become outright collectivists? Very few men of the more fortunate classes in our old collapsing society who are over fifty will be able to readjust their minds to that. It will seem an entirely repulsive suggestion to them. (The average age of the British Cabinet at the present time is well over sixty.) But it need not be repulsive at all to their sons. They will be impoverished anyhow. The stars in their courses are seeing to that. And that will help them greatly to realize that an administrative and constructive life may be far more interesting than a life of mere acquisition and spending.

From administrative control to administrative participation and then to direct administration are easy steps. They are being taken now, first in one matter and then in another. On both sides of the Atlantic. Reluctantly and often very disingenuously and against energetic but diminishing resistances. Great Britain, like America, may become a Socialist system without a definitive Revolution, protesting all the time that it is doing nothing of the sort.

In Britain we have now no distinctively educated class, but all up and down the social scale there are well-read men and women who have thought intensely upon these great problems we have been discussing. To many of them, and maybe to enough of them to start the avalanche of purpose that will certainly develop from a clear and determined beginning, this conception of Revolution to evoke a liberal collectivized world may appeal. And so at last we narrow down our inquiry to an examination of what has to be done now to save the Revolution, what the movement or its Party—

so far as it may use the semblance of a party—will do, what its Policy will be. Hitherto we have been demonstrating why a reasonable man, of any race or language anywhere, should become a "Western" Revolutionary. We have now to review the immediate activities to which he can give himself.

## CHAPTER IX

### POLITICS FOR THE SANE MAN

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LET us restate the general conclusions to which our preceding argument has brought us.

The establishment of a progressive world socialism in which the freedoms, health, and happiness of every individual are protected by a universal law based on a redeclaration of the rights of man, and wherein there is the utmost liberty of thought, criticism, and suggestion, is the plain, rational objective before us now. Only the effective realization of this objective can establish peace on earth and arrest the present march of human affairs to misery and destruction. We cannot reiterate this objective too clearly and too frequently. The triangle of collectivization, law, and knowledge should embody the common purpose of all mankind.

But between us and that goal intervene the vast and deepening disorders of our time. The new order cannot be brought into existence without a gigantic and more or

less co-ordinated effort of the saner and abler elements in the human population. The thing cannot be done rapidly and melodramatically. That effort must supply the frame for all sane social and political activities *and a practical criterion for all religious and educational associations*. But since our world is multitudinously varied and confused, it is impossible to narrow down this new revolutionary movement to any single class, organization, or party. It is too great a thing for that. It will in its expansion produce and perhaps discard a number of organizations and parties, converging upon its ultimate objective. Consequently, in order to review the social and political activities of sane, clear-headed people today, we have to deal with them piecemeal from a number of points of view. We have to consider an advance upon a long and various front.

Let us begin then with the problem of sanity in face of the political methods of our time. What are we to do as voting citizens? There I think the history of the so-called democracies in the past half-century is fairly conclusive. Our present electoral methods which give no choice but a bilateral choice to the citizen and so force a two-party system upon him is a mere caricature of representative government. It has produced upon both sides of the Atlantic big, stupid, and corrupt party machines. That was bound to happen and yet to this day there is a sort of shyness in the minds of young men interested in politics when it comes to discussing Proportional Representation. They think it is a "bit faddy." At best it is a side issue. Party politicians strive to maintain that bashfulness, because they know quite clearly that what is called Proportional Representation with



the single transferable vote in large constituencies, returning a dozen members or more, is extinction for the mere party hack and destruction for party organizations.

The machine system in the United States is more elaborate, more deeply entrenched legally in the Constitution and illegally in the spoils system, and it may prove more difficult to modernize than the British, which is based on an outworn caste tradition. But both Parliament and Congress are essentially similar in their fundamental quality. They trade in titles, concessions, and the public welfare, and they are only amenable in the rough and at long last to the movements of public opinion. It is an open question whether they are much more responsive to popular feeling than the Dictators we denounce so unreservedly as the antithesis of democracy. They betray a great disregard of mass responses. They explain less. They disregard more. The Dictators have to go on talking and talking, not always truthfully, but they have to talk. A dumb Dictator is inconceivable.

In such times of extensive stress and crisis as the present, the balling slowness, inefficiency, and wastefulness of the party system become so manifest that some of its worst pretences are put aside. The party game is suspended. His Majesty's Opposition abandons the pose of safeguarding the interests of the common citizens from those scoundrels upon the government benches; Republicans and Democrats begin to cross the party line to discuss the new situation. Even the men who live professionally by the Parliamentary (Congressional) imposture abandon it if they are sufficiently

frightened by the posture of affairs. The appearance of an All-Party National Government in Great Britain before very long seems inevitable.

Great Britain has in effect gone socialist in a couple of months; she is also suspending party politics. Just as the United States did in the great slump. And in both cases this has happened because the rottenness and inefficiency of party politics stank to heaven in the face of danger. And since in both cases party government threw up its hands and bolted, is there any conceivable reason why we should let it come back at any appearance of victory or recovery, why we should not go ahead from where we are to a less impromptu socialist regime under a permanent non-party administration, to the reality if not to the form of a permanent socialist government?

Now here I have nothing to suggest about America; I have never, for example, tried to work out the consequences of the absence of executive ministers from the legislature. I am inclined to think that is one of the weak points in the Constitution and that the English usage which exposes the minister to question time in the House and makes him a prime mover in legislation affecting his department is a less complicated and therefore more democratic arrangement than the American one. And the powers and functions of the President and the Senate are so different from the consolidated powers of Cabinet and Prime Minister that even when an Englishman has industriously "mugged up" the constitutional points, he is still almost as much at a loss to get the living reality as he would be if he were shown the score of an opera before hearing it played or the blue-

prints of a machine he had never seen in action. Very few Europeans understand the history of Woodrow Wilson, the Senate, and his League of Nations. They think that "America," which they imagine as a large single individual, planted the latter institution upon Europe and then deliberately shuffled out of her responsibility for it, and they will never think otherwise. And they think that "America" kept out of the war to the very limit of decency, overcharged us for munitions that contributed to the common victory, and made a grievance because the consequent debt was not discharged. They talk like that while Americans talk as if no English were killed between 1914 and 1918 (we had 800,000 dead) until the noble American conscripts came forward to die for them (to the tune of about 50,000). Savour for example even the title of Quincy Howe's *England Expects Every American to Do His Duty*. It's the meanest of titles, but many Americans seem to like it.

On my desk as I write is a pamphlet by a Mr. Robert Randall, nicely cyclostyled and got up, which urges a common attack on the United States as a solution of the problem of Europe. No countries will ever feel united unless they have a common enemy, and the natural common enemy for Europe, it is declared, is the United States. So to bring about the United States of Europe we are to begin by denouncing the Monroe Doctrine. I believe in the honesty and good intentions of Mr. Robert Randall; he is, I am sure, no more in the pay of Germany, direct or indirect, than Senator Borah or Mr. Harry Elmer Barnes; but could the most brilliant of Nazi war propagandists devise a more effective estranging suggestion? . . .

But I wander from my topic. I do not know how sane men in America are going to set about relaxing the stranglehold of the Constitution, get control of their own country out of the hands of those lumpish, solemnly cunning politicians with their great strong jowls developed by chewing-gum and orotund speaking, whose photographs add a real element of frightfulness to the pages of *Time*, how they are going to abolish the spoils system, discover, and educate to expand a competent civil service able to redeem the hampered promises of the New Deal and pull America into line with the reconstruction of the rest of the world. But I perceive that in politics, and indeed in most things, the underlying humour and sanity of Americans are apt to find a way round and do the impossible, and I have as little doubt they will manage it somehow as I have when I see a street performer on his little chair and carpet, all tied up with chains, waiting until there are sufficient pennies in the hat to justify exertion.

These differences in method, pace, and tradition are a great misfortune to the whole English-speaking world. We English people do not respect Americans enough; we are too disposed to think they are all conceited and suspicious anti-British monomaniacs, who must be humoured at any cost; which is why we are never so frank and rude with them as they deserve. But the more we must contain ourselves, the less we love them. Real brothers can curse each other and keep friends. Some day Britannia will give Columbia a piece of her mind, and that may clear the air. Said an exasperated Englishman to me a day or so ago:

"I pray to God they keep out of the end of *this* war

anyhow. We shall never hear the last of it if 'they don't. . . ."

Yet at a different pace our two peoples are travelling towards identical ends, and it is lamentable that a difference of accent and idiom should do more mischief than a difference of language.

So far as Great Britain goes, things are nearer and closer to me, and it seems to me that there is an excellent opportunity now to catch the country in a state of socialization and suspended party politics and keep it at that. It is a logical but often disregarded corollary of the virtual creation of All-Party National Governments and the suspension of electoral contests that since there is no Opposition, party criticism should give place to individual criticism of ministers, and that instead of throwing out governments we should set ourselves to throw out individual administrative failures. We need no longer confine our choice of public servants to political careerists. We can insist upon men who have done things and can do things, and whenever an election occurs we can organize a bloc of non-party voters who will vote if possible for an outsider of proved ability, and will at any rate insist on a clear statement from every Parliamentary candidate of the concrete service, if any, he has done the country, of his past and present financial entanglements and his family relationships, and of any title he possesses. We can get these necessary particulars published and note what newspapers decline to do so. And if there are still only politicians to vote for, we can at least vote and spoil our voting cards by way of protest.

At present we see one public service after another in

a mess through the incompetent handling of some party hack and the unseen activities of interested parties. People are asking already why Sir Arthur Salter is not in control of Allied Shipping again, Sir John Orr directing our food supply, with perhaps Sir Frederick Keeble to help him, Sir Robert Vansittart in the Foreign Office. We want to know the individuals responsible for the incapacity of our Intelligence and Propaganda Ministries, so that we may induce them to quit public life. It would be quite easy now to excite a number of anxious people with a cry for "Competence, not Party."

Most people in the British Isles are heartily sick of Mr. Chamberlain and his government, but they cannot face up to a political split in war time, and Mr. Chamberlain sticks to office with all the pertinacity of a Barnacle. If we do not attack the government as a whole, however, but individual ministers, and if we replace them one by one, we shall presently have a government so rejuvenated that even Mr. Chamberlain will realize and accept his superannuation. Quite a small body of public-spirited people could organize an active Vigilance Society to keep these ideas before the mass of voters and begin the elimination of inferior elements from our public life. This would be a practical job of primary importance in our political regeneration. It would lead directly to a new and more efficient political structure to carry on after the present war has collapsed or otherwise ended.

Following upon this campaign for the conclusive interment of the played-out party system, there comes the necessity for a much more strenuous search for administrative and technical ability throughout the coun-



try. We do not want to miss a single youngster who can be of use in the great business of making over Great Britain, which has been so rudely, clumsily, and wastefully socialized by our war perturbations, so that it may become a permanently efficient system.

And from the base of the educational pyramid up to its apex of higher education for teachers, heads of departments and research, there is need for such a quickening of minds and methods as only a more or less organized movement of sanely critical men can bring about. We want ministers now of the highest quality in every department, but in no department of public life is a man of creative understanding, bold initiative, and administrative power so necessary as in the Education Ministry.

So tranquil and unobtrusive has been the flow of educational affairs in the British Empire that it seems almost scandalous, and it is certainly "vulgar," to suggest that we need an educational Ginger Group to discover and support such a minister. We want a Minister of Education who can shock teachers into self-examination, electrify and rejuvenate old dons or put them away in ivory towers, and stimulate the younger ones. Under the party system the Education Ministry has always been a restful corner for some deserving party politician with an abject respect for his Alma Mater and the permanent officials. During war time, when other departments wake up, the Education Department sinks into a deeper lethargy. One cannot recall a single British Education Minister, since there have been such things in our island story as Ministers for Education, who signified anything at all educationally or did

anything of his own impulse that was in the least worth while.

Suppose we found a live one—soon—and let him rip! There again is something to be done far more revolutionary than throwing bombs at innocent policemen or assassinating harmless potentates or ex-potentates. And yet it is only asking that an existing department be what it pretends to be.

A third direction in which any gathering accumulation of sanity should direct its attention is the clumsy unfairness and indirectness of our present methods of expropriating the former well-to-do classes. The only observable principle seems to be: widows and children first. Socialization is being effected in Britain and America alike not by frank expropriation (with or without compensation) but by increasing government control and increasing taxation. Both our great communities are going into socialism backward and without ever looking round. This is good in so far as technical experience and directive ability are changed over step by step from entirely private employment to public service, and on that side sane and helpful citizens have little to do beyond making the process conscious of itself and the public aware of the real nature of the change, but it is bad in its indiscriminate destruction of savings, which are the most exposed and vulnerable side of the old system. They are expropriated by profit-control and taxation alike, and at the same time they suffer in purchasing power by the acceleration of that process of monetary inflation which is the unavoidable readjustment, the petition in bankruptcy, of a community that has overspent.



The shareholding class dwindles and dies; widows and orphans, the old who are past work, and the infirm who are incapable of it are exposed in their declining years to a painful shrinkage of their modes of living; there is no doubt a diminution of social waste, but also there is an indirect impoverishment of free opinion and free scientific and artistic initiative as the endless societies, institutions, and services which have enriched life for us and been very largely supported by voluntary subscriptions shrivel. At present a large proportion of our scientific, artistic, literary, and social workers are educated out of the private savings fund. In a class-war revolution these economically very defenceless but socially very convenient people are subjected to vindictive humiliation—it is viewed as a great triumph for their meaner neighbours—but a revolution sanely conducted will probably devise a system of terminable annuities and compensation, and of assistance to once voluntary associations, which will ease off the social dislocations due to the disappearance of one stratum of relatively free and independent people, before its successors—that is to say, the growing class of retired officials, public administrators, and so forth—find their feet and develop their own methods of assertion and enterprise.

## CHAPTER X

### DECLARATION OF THE RIGHTS OF MAN

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LET us turn now to another system of problems in the collectivization of the world, and that is the preservation of liberty in the socialist state and the restoration of that confidence without which good behaviour is generally impossible.

This destruction of confidence is one of the less clearly recognized evils of the present phase of world disintegration. In the past there have been periods when whole communities, or at least large classes within communities, have gone about their business with a general honesty, directness, and sense of personal honour. They have taken a keen pride in the quality of their output. They have lived through life on tolerable and tolerant terms with their neighbours. The laws they observed have varied in different countries and periods, but their general nature was to make an orderly, law-abiding life

possible and natural. They had been taught and they believed and they had every reason to believe: "This (that, or the other thing) is right. Do right and nothing, except by some strange exceptional misfortune, can touch you. The Law guarantees you that. Do right and nothing will rob you or frustrate you."

Nowhere in the world now is there very much of that feeling left, and as it disappears, the behaviour of people degenerates towards a panic scramble, towards cheating, overreaching, gang organization, precautionary hoarding, concealment, and all the meanness and antisocial feeling which is the natural outcome of insecurity.

Faced with what now amounts to something like a moral stampede, more and more sane men will realize the urgency for a restoration of confidence. The more socialization proceeds and the more directive authority is concentrated, the more necessary is an efficient protection of individuals from the impatience of well-meaning or narrow-minded or ruthless officials and indeed from all the possible abuses of advantage that are inevitable under such circumstances to our still childishly wicked breed.

In the past the Atlantic world has been particularly successful in expedients for meeting this aspect of human nature. Our characteristic and traditional method may be called the method of the fundamental declaration. Our Western peoples, by a happy instinct, have produced statements of Right, from Magna Carta onwards, to provide a structural defence between the citizen and the necessary growth of central authority.

And plainly the successful organizaion of the more

universal and penetrating collectivism that is now being forced upon us all will be frustrated in its most vital aspect unless its organization is accompanied by the preservative of a new Declaration of the Rights of Man, which must, because of the increasing complexity of the social structure, be more generous, detailed, and explicit than any of its predecessors. Such a Declaration must become the *common fundamental law* of all communities and collectivities assembled under the World Pax. It should be interwoven with the declared war aims of the combatant powers now; it should become the primary fact in any settlement; it should be put before the now combatant states for their approval, their embarrassed silence, or their rejection.

In order to be as clear as possible about this, let me submit for your consideration a draft of this proposed Declaration of the Rights of Man—using "man" of course to cover every individual, male or female, of the species. I have endeavoured to bring in everything that is essential and to omit whatever secondary issues can be easily deduced from its general statements. It is a draft for your consideration. Points may have been overlooked and it may contain repetitions and superfluous statements.

"Since a man comes into this world through no fault of his own, since he is manifestly a joint inheritor of the accumulations of the past, and since those accumulations are more than sufficient to justify the claims that are here made for him, it follows:

"1. That every man without distinction of race, of colour, or of professed belief or opinions is entitled to the nourishment, covering, medical care and attention

needed to realize his full possibilities of physical and mental development and to keep him in a state of health from his birth to death.

"2. That he is entitled to sufficient education to make him a useful and interested citizen, that special education should be so made available as to give him equality of opportunity for the development of his distinctive gifts in the service of mankind, that he should have easy access to information upon all matters of common knowledge throughout his life and enjoy the utmost freedom of discussion, association, and worship.

"3. That he may engage freely in any lawful occupation, earning such pay as the need for his work and the increment it makes to the common welfare may justify. That he is entitled to paid employment and to a free choice whenever there is any variety of employment open to him. He may suggest employment for himself and have his claim publicly considered, accepted or dismissed.

"4. That he shall have the right to buy or sell without any discriminatory restrictions anything which may be lawfully bought or sold, in such quantities and with such reservations as are compatible with the common welfare."

(Here I will interpolate a comment. We have to bear in mind that in a collectivist state buying and selling to secure income and profit will be not simply needless but impossible. The Stock Exchange, after its career of four-hundred-odd years, will necessarily vanish with the disappearance of any rational motive either for large accumulations or for hoarding against deprivation and destitution. Long before the age of complete

collectivization arrives, the savings of individuals for later consumption will probably be protected by some development of the Unit Trust System into a public service. They will probably be entitled to interest at such a rate as to compensate for that secular inflation which should go on in a steadily enriched world community. Inheritance and bequest in a community in which the means of production and of all possible monopolization are collectivized can concern little else than relatively small, beautiful, and intimate objects, which will afford pleasure but no unfair social advantage to the receiver.)

"5. That he and his personal property lawfully acquired are entitled to police and legal protection from private violence, deprivation, compulsion, and intimidation.

"6. That he may move freely about the world at his own expense. That his private house or apartment or reasonably limited garden enclosure is his castle, which may be entered only with his consent, but that he shall have the right to come and go over any kind of country, moorland, mountain, farm, great garden, or what not, or upon the seas, lakes, and rivers of the world, where his presence will not be destructive of some special use, dangerous to himself, or seriously inconvenient to his fellow citizens.

"7. That a man, unless he is declared by a competent authority to be a danger to himself and to others through mental abnormality, a declaration which must be annually confirmed, shall not be imprisoned for a longer period than six days without being charged with a definite offence against the law, nor for more than



three months without a public trial. At the end of the latter period, if he has not been tried and sentenced by due process of law, he shall be released. Nor shall he be conscripted for military, police, or any other service to which he has a conscientious objection.

"8. That although a man is subject to the free criticism of his fellows, he shall have adequate protection from any lying or misrepresentation that may distress or injure him. All administrative registration and records about a man shall be open to his personal and private inspection. There shall be no secret dossiers in any administrative department. All dossiers shall be accessible to the man concerned and subject to verification and correction at his challenge. A dossier is merely a memorandum; it cannot be used as evidence without proper confirmation in open court.

"9. That no man shall be subjected to any sort of mutilation or sterilization except with his own deliberate consent, freely given, nor to bodily assault, except in restraint of his own violence, nor to torture, beating, or any other bodily punishment; he shall not be subjected to imprisonment with such an excess of silence, noise, light, or darkness as to cause mental suffering, or to imprisonment in infected, verminous, or otherwise insanitary quarters, or be put into the company of verminous or infectious people. He shall not be forcibly fed nor prevented from starving himself if he so desire. He shall not be forced to take drugs nor shall they be administered to him without his knowledge and consent. That the extreme punishments to which he may be subjected are rigorous imprisonment for a term of not longer than fifteen years or death."

(Here I would point out that there is nothing in this to prevent any country from abolishing the death penalty. Nor do I assert a general right to commit suicide, because no one can punish a man for doing that. He has escaped. But threats and incompetent attempts to commit suicide belong to an entirely different category. They are indecent and distressing acts that can easily become a serious social nuisance, from which the normal citizen is entitled to protection.)

"10. That the provisions and principles embodied in this Declaration shall be more fully defined in a code of fundamental human rights which shall be made easily accessible to everyone. This Declaration shall not be qualified nor departed from upon any pretext whatever. It incorporates all previous Declarations of Human Right. Henceforth for a new era it is the fundamental law for mankind throughout the whole world.

"No treaty and no law affecting these primary rights shall be binding upon any man or province or administrative division of the community, that has not been made openly, by and with the active or tacit acquiescence of every adult citizen concerned, either given by a direct majority vote of the community affected or through the majority vote of his publicly elected representatives. In matters of collective behaviour it is by the majority decision men must abide. No administration, under a pretext of urgency, convenience, or the like, shall be entrusted with powers to create or further define offences or set up by-laws which will in any way infringe the rights and liberties here asserted. All legislation must be public and definite. No secret treaties shall be binding on individuals, organizations, or com-



munities. No orders in council or the like which extend the application of a law shall be permitted. There is no source of law but the people, and since life flows on constantly to new citizens, no generation of the people can in whole or in part surrender or delegate the legislative power inherent in mankind."

There, I think, is something that keener minds than mine may polish into a working Declaration which would in the most effective manner begin that restoration of confidence of which the world stands in need. Much of it might be better phrased, but I think it embodies the general goodwill in mankind from pole to pole. It is certainly what we all want for ourselves. It could be a very potent instrument indeed in the present phase of human affairs. It is necessary and it is acceptable. Incorporate that in your peace treaties and articles of federation, I would say, and you will have a firm foundation, which will continually grow firmer, for the fearless cosmopolitan life of a new world order. You will never get that order without some such document. It is the missing key to endless contemporary difficulties.

And if we, the virtuous democracies, are not fighting for these common human rights, then what in the name of the nobility and gentry, the Crown and the Established Church, the City, *The Times*, and the Army and Navy Club, are we common British peoples fighting for?

## CHAPTER XI

# INTERNATIONAL POLITICS

AND now, having completed our picture of what the saner elements in human society may reasonably work for and hope for, having cleared away the horrible nightmares of the class war and the totalitarian slave-state from our imaginations, we are able to attack the immediate riddles of international conflict and relationship with some hope of a general solution. If we realize to the depths of our being that a world settlement based on the three ideas of socialism, law, and knowledge is not only possible and desirable, but the only way of escape from deepening disaster, then manifestly our attitude towards the resentments of Germany, the prejudices of America or Russia, the poverty and undernourishment of India, or the ambitions of Japan must be frankly opportunist. None of these are primary issues. We sane men must never lose sight of our ultimate objective, but our methods of getting there will

have to vary with the fluctuating variations of national feeling and national policy.

There is this idea of federalism upon which I have already submitted a criticism in Chapter seven. As I have shown there, the Streit proposals will either take you further or land you nowhere. Let us assume that we can strengthen his proposals to the extent of making a socialistic economic consortium and adhesion to that Declaration of Rights primary conditions for any federal union; then it becomes a matter of mood and occasion with what communities the federal association may be begun. We can even encourage feeble federal experiments which do not venture even so far as that along the path to sanity, in the certainty that either they will fade out again or else that they will become liberal realities of the type to which the whole world must ultimately conform. Behind any such half-hearted tentatives an educational propaganda can be active and effective.

But when it comes to the rate and amount of participation in the construction of a rational world order we can expect from any country or group of countries, we are in a field where there is little more than guessing and haphazard generalizations about "national character" to work upon. We are dealing with masses of people which may be swayed enormously by a brilliant newspaper or an outstandingly persuasive or compelling personality or by almost accidental changes in the drift of events. I, for example, cannot tell how far the generality of educated and capable people in the British Empire now may fall in with our idea of accepting and serving a collectivism, or how strong their conservative resistance may be. It is my own country and I ought to

know it best, and I do not know it detachedly enough or deeply enough to decide that. I do not see how anyone can foretell these swirls and eddies of response.

The advocacy of such movements of the mind and will as I am speaking of here is in itself among the operating causes in political adjustment, and those who are deepest in the struggle are least able to estimate how it is going. Every factor in political and international affairs is a fluctuating factor. The wise man therefore will not set his heart upon any particular drift or combination. He will favour everything that trends towards the end at which he aims.

I cherish the idea that the realization of a common purpose and a common cultural inheritance may spread throughout all the English-speaking communities, and there can be no harm in efforts to give this concrete expression. I believe the dissociation of the British Empire may inaugurate this great synthesis. At the same time there are factors making for some closer association of the United States of America with what are called the Oslo powers. There is no reason why one of these associations should stand in the way of the other. Some countries such as Canada rest already under what is practically a double guarantee; she has the security of the Monroe Doctrine and the protection of the British fleet.

A Germany of eighty million people which has been brought to acquiesce in the Declaration of the Rights of Man and which is already highly collectivized may come much earlier to a completely liberal socialist regime than Great Britain or France. If she participates in a consortium for the development of what are called

the politically backward regions of the world, she may no longer be disposed for further military adventures and further stress and misery. She may enter upon a phase of social and economic recovery so rapid as to stimulate and react upon every other country in the world. It is not for other countries to dictate her internal politics, and if the German people want to remain united as one people, in federated states or in one centralized state, there is neither righteousness nor wisdom in preventing them.

The Germans like the rest of the world have to get on with collectivization, they have to produce their pattern, and they cannot give themselves to that if they are artificially divided up and disorganized by some old-fashioned Quai d'Orsay scheme. They must do the right thing in their own way.

That the belligerent tradition may linger on in Germany for a generation or so is a risk the Atlantic powers have to take. The world has a right to insist that not simply some German government, but the people generally, recognize unequivocally and repeatedly the rights of man asserted in the Declaration, and it is reasonable to insist also that Germany remain disarmed and that any aggressive plant, any war-plane, warship, gun, or arsenal that is discovered in the country shall be destroyed forthwith, brutally and completely. But that is a thing that should not be confined to Germany. Germany should not be singled out for that. Armament should be an illegality everywhere, and some sort of international force should patrol a treaty-bound world. Partial armament is one of those absurdities dear to moderate-minded "reasonable" men. Armament itself

is making war. Making a gun, pointing a gun, and firing it are all acts of the same order. It should be illegal to construct anywhere upon earth any mechanism for the specific purpose of killing men. When you see a gun it is reasonable to ask: "Whom is that intended to kill?"

Germany's rearmament after 1918 was largely tolerated because she played off British Russophobia against the Russian fear of "Capitalist" attack, but that excuse can no longer serve any furtive war-mongers among her people after her pact with Moscow.

Released from the economic burthens and restrictions that crippled her recovery after 1918, Germany may find a full and satisfying outlet for the energy of her young men in her systematic collectivization, raising the standard of her common life deliberately and steadily, giving Russia a lead in efficiency, and obliging the maundering "politics" and discursive inattention of the Atlantic world to remain concentrated upon the realities of life. The idea of again splitting up Germany into discordant fragments so as to postpone her ultimate recovery indefinitely is a pseudo-democratic slacker's dream. It is diametrically opposed to world reconstruction. We have need of the peculiar qualities of her people, and the sooner she recovers, the better for the whole world. It is preposterous to resume the policy of holding back Germany simply that the old order may enjoy a few more years of self-indulgence in England, France, and America.

A lingering fear of German military aggression may not be altogether bad for the minor states of south-eastern Europe and Asia Minor, by breaking down their excessive nationalism and inducing them to work to-



gether. The policy of the sane man should be to welcome every possible experiment in international co-operations, and if these supra-national understandings duplicate and overlap one another, so much the better. He has to watch the activities of his own Foreign Office with incessant jealousy, for signs of that Machiavellian spirit which foments division among foreign governments and peoples, and schemes perpetually to frustrate the progressive movement in human affairs by converting it into a swaying decisive balance of power.

This book is a discussion of guiding principles and not of the endless specific problems of adjustment that arise on the way to a world realization of collective unity. I will merely glance at that old idea of Napoleon III, the Latin Union, at the possibility of a situation in Spanish and Portuguese South America parallel to that overlap of the Monroe Doctrine and the European motherlands which already exists in practice in the case of Canada, nor will I expatiate upon the manifold possibilities of a sincere application of the Declaration of the Rights of Man to India and Africa—and particularly to those parts of the world in which more or less black peoples are awakening to the realities of racial discrimination and oppression.

I will utter a passing warning against any Machiavellian treatment of the problem of northern and eastern Asia, into which the British may be led by their constitutional Russophobia. The Soviet collectivism, especially if presently it becomes liberalized and more efficient through a recovery from its present obsession by Stalin, may spread very effectively across central Asia and China. To anyone nourished mentally upon the

ideas of an unending competition of powers for ascendancy for ever and ever, an alliance with Japan, as truculent and militarized a Japan as possible, will seem the most natural response in the world. But to anyone who has grasped the reality of the present situation of mankind and the urgent desirableness of world collectivization, this immense unification will be something to welcome, criticize, and assist.

The old bugbear of Russia's "designs upon India" may also play its part in distorting the Asiatic situation for many people. Yet a hundred years of mingled neglect, exploitation, and occasional outbreaks of genuine helpfulness should have taught the British that the ultimate fate of India's hundreds of millions rests now upon no conquering ruler but wholly and solely upon the ability of the Indian peoples to co-operate in world collectivization. They may learn much by way of precept and example from Russia and from the English-speaking world, but the days for mere revolt or for relief by a change of masters have passed. India has to work out for itself, with its own abundant brains, its escape from chaos and its own manner of participation in the struggle for a world order, starting from the British raj as a datum line. No outside power can work that out for the Indian peoples, nor force them to do it if they have no will for it.

But I will not wander further among these ever changing problems and possibilities. They are, so to speak, wayside eventualities and opportunities. Immense though some of them are, they remain secondary. Every year or so now the shifting channels of politics need to be recharted. The activities and responses of



the same man in any particular country and at any particular time will be determined always by the overruling conception of a secular movement towards a single world order. That will be the underlying permanent objective of all his political life.

There is, however, another line of world consolidation to which attention must be drawn before we conclude this chapter, and which is what we may call *ad hoc* international systems. The essential idea of *ad hoc* internationalism is admirably set forth in Leonard Woolf's *International Government*, a classic which was published in 1916 and still makes profitable reading.

The typical *ad hoc* organization is the Postal Union, which David Lubin, that brilliant neglected thinker, would have had extended until it controlled shipping and equalized freights throughout the world. He based his ideas upon his practical experience of the mail-order business, from which he derived his very considerable fortune. From that problem of freight adjustment he passed to the idea of a controlled survey of world production week by week and month by month, so that a shortage here or a glut there could be foreseen and remedied in time. He realized the idea in the form of the International Institute of Agriculture at Rome, which in its heyday made treaties like an independent sovereign power for the supply of returns from nearly every government upon earth. The war of 1914 and Lubin's death in 1919 checked the development of this admirable and most inspiring experiment in *ad hoc* internationalism. Its history is surely something that should be made part of the compulsory education of every statesman and publicist. Yet never in my life have

I met a professional politician who knew anything whatever or wanted to know anything about it. It didn't get votes; it seemed difficult to tax it; what was the good of it?

Another *ad hoc* organization which might be capable of a considerable extension of its functions is the Elder Brethren of Trinity House, who control the lighthouses and charting of the seas throughout the world. But it would need a very considerable revision and extension of Mr. Woolf's book and, in spite of the war stresses that have delayed and in some cases reversed their development, it would be quite beyond our present scope to bring up to date the lengthening tale of *ad hoc* international networks, ranging from international business cartels, scientific and technical organizations, white-slave-trade suppression, and international police co-operation, to health services and religious missions. Just as I have suggested that the United States and Great Britain may become complete socialisms unawares, so it is a not altogether impossible dream that the world may discover to its great surprise that it is already practically a cosmopolis, through the extension and interweaving of these *ad hoc* co-operations. At any rate we have this very powerful collateral process going on side by side with the more definite political schemes we have discussed.

Surveying the possibilities of these various attacks upon the complicated and intricate obstacles that stand between us and a new and more hopeful world order, one realizes both the reasons for hope in that great possibility and the absurdity of over-confidence. We are all like soldiers upon a vast battlefield; we cannot be

sure of the trend of things; we may be elated when disillusionment is rushing headlong upon us; we may be on the verge of despair, not knowing that our antagonists are already in collapse. My own reactions vary between an almost mystical faith in the ultimate triumph of human reason and goodwill, and moods of stoical determination to carry on to the end in the face of what looks like inevitable disaster. There are quantitative factors in the outlook for which there are no data; there are elements of time and opportunity beyond any estimating. Every one of these activities we have been canvassing tends to delay the drift to destruction and provides a foothold for a further counter-offensive against the adversary.

In the companion predecessor to this book, *The Fate of Homo sapiens*, I tried to drive home the fact that our species has no more reason to believe it can escape defeat and extinction than any other organism that plays or has played its part in the drama of life. I tried to make clear how precarious is our present situation, and how urgent it is that we should make a strenuous effort at adjustment now. Only a little while ago it seemed as though that was an appeal to a deaf and blind world, invincibly set in its habitual ways even if they led plainly to destruction. I went into the question whether this inclination towards pessimism reflected a mood or phase in myself, and I threw out a qualifying suggestion or so; but for my own part I could not find any serious reason to believe that the mental effort that was clearly necessary if man was to escape the fate that marched upon him would ever be made. His conservative resistances, his apathy, seemed incurable.

Now suddenly everywhere one meets with alarmed and open and inquiring minds. So far the tremendous dislocations of the present war have been immensely beneficial in stripping off what seemed to be quite invincible illusions of security only a year ago. I never expected to live to see the world with its eyes as wide open as they are today. The world has never been so awake. Little may come of it, much may come of it. We do not know. Life would amount to nothing at all if we did.

## CHAPTER XII

### WORLD ORDER IN BEING

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THERE will be no day of days, then, when a new world order comes into being. Step by step and here and there it will arrive, and even as it comes into being it will develop fresh perspectives, discover unsuspected problems, and go on to new adventures. No man, no group of men, will ever be singled out as its father or founder. For its maker will be not this man nor that man nor any man but Man, that being who is in some measure in every one of us. World order will be, like science, like most inventions, a social product; an innumerable number of personalities will have lived fine lives, pouring their best into the collective achievement.

We can find a small-scale parallel to the probable development of a new world order in the history of flying. Less than a third of a century ago ninety-nine people out of a hundred would have told you that flying was impossible; kites and balloons and possibly even a navigable balloon they could imagine; they had known

of such things for a hundred years; but a heavier-than-air machine, flying in defiance of wind and gravity! that they *knew* was nonsense. The would-be aviator was the typical comic inventor. Any fool could laugh at him. Now consider how completely the air is conquered.

And who did it? Nobody and everybody. Twenty thousand brains or so, each contributing a notion, a device, an amplification. They stimulated one another; they took off from one another. They were like excited ganglia in a larger brain sending their impulses to and fro. They were people of the most diverse race and colour. You can write down perhaps a hundred people or so who have figured conspicuously in the air, and when you examine the role they have played, you will find for the most part that they are mere notoriety of the Lindbergh type who have put themselves modestly but firmly in the limelight and can lay no valid claim to any effective contribution whatever. You will find many disputes about records and priority in making this or that particular step, but the lines of suggestion, the growth and elaboration of the idea, have been an altogether untraceable process. It has been going on for not more than a third of a century, under our very eyes, and no one can say precisely how it came about. One man said: "Why not this?" and tried it, and another said: "Why not that?" A vast miscellany of people had one idea in common, an idea as old as Dædalus, the idea that "Man can fly." Suddenly, swiftly, it *got about*—that is the only phrase you can use—that flying was attainable. And man, man as a social being, turned his mind to it seriously, and flew.



So it will certainly be with the new world order, if ever it is attained. A growing miscellany of people are saying—it is *getting about*—that “World Pax is possible,” a World Pax in which men will be both united and free and creative. It is of no importance at all that nearly every man of fifty and over receives the idea with a pitying smile. Its chief dangers are the dogmatist and the would-be “leader” who will try to suppress every collateral line of work which does not minister to his supremacy. This movement must be, and it must remain, many-headed. Suppose the world had decided that Santos-Dumont or Hiram Maxim was the heaven-sent Master of the Air, had given him the right to appoint a successor and subjected all experiments to his inspired control. We should probably have the Air Master now, with an applauding retinue of yes-men, following the hops of some clumsy, useless, and extremely dangerous apparatus across country with the utmost dignity and self-satisfaction. . . .

Yet that is precisely how we still set about our political and social problems.

Bearing this essential fact in mind that the Peace of Man can only be attained, if it is attained at all, by an advance upon a long and various front, at varying speed and with diverse equipment, keeping direction only by a common faith in the triple need for collectivism, law, and research, we realize the impossibility of drawing any picture of the new order as though it was as settled and stable as the old order imagined itself to be. The new order will be incessant; things will never stop happening, and so it defies any Utopian description. But we may nevertheless assemble a number of possibilities

that will be increasingly realizable as the tide of disintegration ebbs and the new order is revealed.

To begin with, we have to realize certain peculiarities of human behaviour that are all too disregarded in general political speculation. We have considered the very important role that may be played in our contemporary difficulties by a clear statement of the Rights of Man, and we have sketched such a Declaration. There is not an item in that Declaration, I believe, which a man will not consider to be a reasonable demand—so far as he himself is concerned. He will subscribe to it in that spirit very readily. But when he is asked to subscribe to it not only as something he has to concede by that same gesture to everybody else in the world, but as something for which he has to make all the sacrifices necessary for its practical realization, he will discover a reluctance to “go so far as that.” He will find a serious resistance welling up from his subconscious and trying to justify itself in his thoughts.

The things he will tell you will be very variable; but the word “premature” will play a large part in it. He will display a tremendous tenderness and consideration with which you have never credited him before, for servants, for workers, for aliens, and particularly for aliens of a different colour from himself. They will hurt themselves with all this dangerous liberty. Are they *fit*, he will ask you, for all this freedom? “Candidly, are they fit for it?” He will be slightly offended if you will say: “As fit as you are.” He will say in a slightly amused tone: “But how *can* you say that?” and then, going off rather at a tangent: “I am afraid you idealize your fellow creatures.”



As you press him, you will find this kindliness evaporating from his resistance altogether. He is now concerned about the general beauty and loveliness of the world. He will protest that this new Magna Carta will reduce all the world to "a dead level of uniformity." You will ask him why must a world of freemen be uniform and at a dead level? You will get no adequate reply. It is an assumption of vital importance to him and he must cling to it. He has been accustomed to associate "free" and "equal," and has never been bright-minded enough to take these two words apart and have a good look at them separately. He is likely to fall back at this stage upon that Bible of the impotent genteel, Huxley's *Brave New World*, and implore you to read it. You brush that disagreeable fantasy aside and continue to press him. He says that nature has made men unequal, and you reply that that is no reason for exaggerating the fact. The more unequal and various their gifts, the greater is the necessity for a Magna Carta to protect them from one another. Then he will talk of robbing life of the picturesque and the romantic and you will have some difficulty in getting these words defined. Sooner or later it will grow clear that he finds the prospect of a world in which "Jack's as good as his master" unpleasant to the last degree.

If you still probe him with questions and leading suggestions, you will begin to realize how large a part the *need for glory over his fellows* plays in his composition (and incidentally you will note, please, your own secret satisfaction in carrying the argument against him). It will become clear to you, if you collate the specimen under examination with the behaviour of children,

yourself, and the people about you, under what urgent necessity they are for the sense of triumph, of being better and doing better than their fellows, and having it felt and recognized by someone. It is a deeper, steadier impulse than sexual lust; it is a hunger. It is the clue to the unlovingness of so much sexual life, to sadistic impulses, to avarice, hoarding, and endless un-gainful cheating and treachery which gives men the sense of getting the better of someone even if they do not get the upper hand.

In the last resort this is why we must have law, and why Magna Carta and all its kindred documents set out to defeat human nature in defence of the general happiness. Law is essentially an adjustment of that craving to glory over other living things, to the needs of social life, and it is more necessary in a collectivist society than in any other. It is a bargain, it is a social contract, to do as we would be done by and to repress our extravagant egotisms in return for reciprocal concessions. And in the face of these considerations we have advanced about the true nature of the beast we have to deal with, it is plain that the politics of the sane man as we have reasoned them out, must anticipate a strenuous opposition to this primary vital implement for bringing about the new world order.

I have suggested that the current discussion of "War Aims" may very effectively be transformed into the propaganda of this new Declaration of the Rights of Man. The opposition to it and the attempts that will be made to postpone, mitigate, stifle, and evade it need to be watched, denounced, and combated persistently throughout the world. I do not know how far this

Declaration I have sketched can be accepted by a good Catholic, but the totalitarian pseudo-philosophy insists upon inequality of treatment for "non-Aryans" as a glorious duty. How Communists would respond to its clauses would, I suppose, depend upon their orders from Moscow. But what are called the "democracies" are supposed to be different, and it would be possible now to make that Declaration a searching test of the honesty and spirit of the leaders and rulers in whom they trust. These rulers can be brought to the point by it, with a precision unattainable in any other fashion.

But the types and characters and authorities and officials and arrogant and aggressive individuals who will boggle at this Declaration and dispute and defy it do not exhaust the resistances of our unregenerate natures to this implement for the establishment of elementary justice in the world. For a far larger proportion of people among the "democracies" will be found who will pay it lip service and then set about discovering how, in their innate craving for that sense of superiority and advantage which lies so near the core of our individual wills, they may unobtrusively sabotage it and cheat it. Even if they only cheat it just a little. I am inclined to think this disingenuousness is a universal weakness. I have a real passion for serving the world, but I have a pretty keen disposition to get more pay for my service, more recognition and so on than I deserve. I do not trust myself. I want to be under just laws. We want law because we are all potential law-breakers.

This is a considerable digression into psychology, and I will do no more than glance at how large a part

this craving for superiority and mastery has played in the sexual practices of mankind. There we have the ready means for a considerable relief of this egotistical tension in mutual boasting and reassurance. But the motive for this digression here is to emphasize the fact that the generalization of our "War Aims" into a Declaration of Rights, though it will enormously simplify the issue of the war, will eliminate neither open and heartfelt opposition nor endless possibilities of betrayal and sabotage.

Nor does it alter the fact that even when the struggle seems to be drifting definitely towards a world social democracy, there may still be very great delays and disappointments before it becomes an efficient and beneficent world system. Countless people, from maharajas to millionaires and from pukkha sahibs to pretty ladies, will hate the new world order, be rendered unhappy by the frustration of their passions and ambitions through its advent, and will die protesting against it. When we attempt to estimate its promise, we have to bear in mind the distress of a generation or so of malcontents, many of them quite gallant and graceful-looking people.

And it will be no light matter to minimize the loss of efficiency in the process of changing the spirit and pride of administrative work from that of an investing, high-salaried man with a handsome display of expenditure and a socially ambitious wife into a relatively less high-salaried man with a higher standard of self-criticism, aware that he will be esteemed rather by what he puts into his work than by what he gets out of it. There will be a lot of social spill, tragicomedy, and loss of efficiency during the period of the change over,

and it is better to be prepared for that.

Yet after making allowances for these transitional stresses we may still look forward with some confidence to certain phases in the onset of World Order. War or war fear will have led everywhere to the concentration of vast numbers of workers upon munition work and the construction of offensive and defensive structures of all sorts, upon shipping, internal communications, replacement structures, fortifications. There will be both a great accumulation and control of material and constructive machinery and also of hands already growing accustomed to handling it. As the possibility of conclusive victory fades and this war muddle passes out of its distinctively military phase towards revolution, and as some sort of Peace Congress assembles, it will be not only desirable but necessary for governments to turn over these resources and activities to social reconstruction. It will be too obviously dangerous and wasteful to put them out of employment. They must surely have learned now what unemployment means in terms of social disorganization. Governments will have to lay out the world, plan and build for peace whether they like it or not.

But it will be asked: "Where will you find the credit to do that?" and to answer this question we must reiterate the fact that money is an expedient and not an end. The world will have the material and the hands needed for a reconditioning of its life everywhere. They are all about you now, crying out to be used. It is, or at any rate it has been, the function of the contemporary money-credit system to bring worker and material together and stimulate their union. That system always

justified its activities on that ground—that is, its claim to exist—and if it does not exist for that purpose, then for what purpose does it exist and what further need is there for it? If now the financial mechanism will not work, if it confronts us with a *non possumus*, then clearly it resigns its function.

Then it has to get out of the way. It will declare the world has stopped when the truth will be that finance has stopped. It is the counting-house that has gone bankrupt. For a long time now an increasing number of people have been asking questions about the world counting-house, getting down at last to such fundamental questions as "What is money?" and "Why are banks?" It is disconcerting but stimulating to find that no lucid answer is forthcoming.

One might have imagined that, long before this, one of the many great bankers and financial experts in our world would have come forward with a clear and simple justification for the monetary practices of today. He would have shown how completely reasonable and trustworthy this money-credit system was. He would have shown what was temporarily wrong with it and how to set it working again, as the electrician does when the lights go out. He would have released us from our deepening distress about our money in the bank, our little squirrel hoard of securities, the deflating lifebelt of property that was to assure our independence to the end. No one of that quality comes forward. There is not so much as a latter-day Bagehot. It dawns upon more and more of us that it is not a system at all and never has been a system, that it is an accumulation of conventions, usages, collateral developments, and com-



pensatory expedients, which creaks now and sways more and more and gives every sign of a complete and horrifying social collapse.

Most of us have believed up to the last moment that somewhere distributed among the banks and city offices in a sort of world counting-house, there were books of accounts, multitudinous perhaps and intricate, but ultimately proper accounts. Only now is it dawning upon comfortable decent people that the counting-house is in a desperate mess, that codes seem to have been lost, entries made wrong, additions gone astray down the column, records kept in vanishing ink. . . .

For years there has been a great and growing literature about money. It is very various, but it has one general characteristic. First there is a swift exposure of the existing system as wrong. Then there is a glib demonstration of a new system which is right. Let this be done or that be done, "let the nation own its own money," says one radio prophet earnestly, repeatedly, simply, and all will be well. These various systems of doctrine run periodicals, organize movements (with coloured shirt complete), meet, demonstrate. They disregard each other completely and contradict each other flatly. And without exception all these monetary reformers betray signs of extreme mental strain.

The secret trouble in their minds is a gnawing doubt that their own proper "plan," the panacea, is in some subtle and treacherous way likely to fail them if it is put to the test. The internal fight against this intolerable shadow betrays itself in their outer behaviour. Their letters and pamphlets, with scarcely an exception, have this much in common with the letters one gets from

lunatics, that there is a continual resort to capital letters and abusive terms. They shout out at the slightest provocation or none. They are not so much shouting at the exasperating reader who remains so obstinate when they have been so clear, so clear, as at the sceptical whisper within.

Because there is no perfect money system by itself and there never can be. It is a dream like the elixir vitæ or perpetual motion. It is in the same order of thought.

Attention has already been drawn, in our examination of Mr. Streit's proposals for *Union Now*, to the fact that money varies in its nature and operations with the theory of property and distribution on which society is based, that in a complete collectivism, for example, it becomes little more than the check handed to the worker to enable him to purchase whatever he likes from the resources of the community. Every detachment of production or enterprise from collective control (national or cosmopolitan) increases the possible functions of money and so makes a different thing of it. Thus there can be endless species of money—as many types of money as there are types and varieties of social order. Money in Soviet Russia is a different organ from money in Nazi Germany, and that again is different from French or American money. The difference can be as wide as that between lungs and swimming-bladders and gills. It is not simply a quantitative difference, as so many people seem to imagine, which can be adjusted by varying the rate of exchange or any such contrivance; it goes deeper, it is a difference in quality and kind. The bare thought of that makes our business



and financial people feel uncomfortable and confused and menaced, and they go on moving their bars of gold about from this vault to that, hoping almost beyond hope that no one will say anything more about it. It worked very well for a time, to go on as though money was the same thing all the world over. They will not admit how that assumption is failing to work now.

Clever people reaped a certain advantage from a more or less definite apprehension of the variable nature of money, but since one could not be a financier or business director without an underlying faith in one's right to profit by one's superior cleverness, there did not seem to be any reason for them to make a public fuss about it. They got their profits and the duffers got left.

Directly we grasp this not very obscure truth that there can be, and are, different sorts of money dependent on the economic usages or system in operation, which are not really interchangeable, then it becomes plain that a collectivist world order, whose fundamental law is such a Declaration of Rights as we have sketched, will have to carry on its main, its primary operations at least with a new world money, a specially contrived money, differing in its nature from any sort of money conventions that have hitherto served human needs. It will be issued against the total purchasable output of the community in return for the workers' services to the community. There will be no more reason for going to the bank for a loan than for going to the oracle at Delphi for advice about it.

In the phase of social stress and emergency socialization into which we are certainly passing, such a new money may begin to appear quite soon. Governments

finding it impossible to resort to the tangled expedients of the financial counting-house may take a short cut to recuperation, requisition the national resources within their reach, and set their unemployed hands to work by means of these new checks. They may carry out international barter arrangements upon an increasing scale. The fact that the counting-house is in a hopeless mess because of its desperate attempts to ignore the protean nature of money, will become more manifest as it becomes less important.

The Stock Exchange and bank credit and all the arts of loaning and usury and forestalling will certainly dwindle away together as the World Order establishes itself. If and when World Order establishes itself. They will be superseded, like egg-shells and foetal membranes. There is no reason for denouncing those who devised and worked those methods and institutions as scoundrels and villains. They did honestly according to their lights. They were a necessary part of the process of getting *Homo sapiens* out of his cave and down from his tree. And gold, that lovely heavy stuff, will be released from its vaults and hiding-places for the use of the artist and technician—probably at a price considerably below the present quotations.

Our attempt to forecast the coming World Order is framed, then, in an immense and increasing spectacle of constructive activity. We can anticipate a rapid transfiguration of the face of the earth as its population is distributed and redistributed in accordance with the shifting requirements of economic production.

It is not only that there is what is called a housing shortage in nearly every region of the earth, but most

of the existing accommodation, by modern standards, is unfit for human occupation. There is scarcely a city in the world, the New World as well as the Old, which does not need to have half its dwelling-places destroyed. Perhaps Stockholm, reconditioned under a Socialist regime, may claim to be an exception; Vienna was doing hopefully until its spirit was broken by Dollfuss and the Catholic reaction. For the rest, behind a few hundred main avenues and prospects, sea and river fronts, capitols, castles, and the like, filthy slums and rookeries cripple childhood and degrade and devitalize its dulled elders. You can hardly say people are born into such surroundings; they are only half-born.

With the co-operation of the press and the cinema it would be easy to engender a world-wide public interest and enthusiasm for the new types of home and fitment that are now attainable by everyone. Here would be an outlet for urban and regional patriotism, for local shame and pride and effort. Here would be stuff to argue about. Wherever men and women have been rich enough, powerful enough, and free enough, their thoughts have turned to architecture and gardening. Here would be a new incentive to travel, to see what other towns and countrysides were doing. The common man on his holidays would do what the English milord of the seventeenth century did; he would make his grand tour and come back from his journeys with architectural drawings and notions for home application. And this building and rebuilding would be a continuing process, a sustained employment, going on from good to better as the economic forces shifted and changed with new discoveries and men's ideas expanded.

It is doubtful in a world of rising needs and standards if many people would want to live in manifestly old houses, any more than they would want to live in old clothes. Except in a few country places where ancient buildings have wedded themselves happily to some local loveliness and become quasi-natural things, or where some great city has shown a brave façade to the world, I doubt if there will be much to preserve. In such large open countries as the United States there has been a considerable development of the mobile home in recent years. People haul a trailer-home behind their cars and become seasonal nomads. . . . But there is no need to expatiate further on a limitless wealth of possibilities. Thousands of those who have been assisting in the monstrous clumsy evacuations and shiftings of population that have been going on recently, must have had their imaginations stirred by dim realization of how much better all this might be done if it were done in a new spirit and with a different intention. There must be a multitude of young and youngish people quite ripe for infection by this idea of cleaning up and resettling the world. Young men who are now poring over war maps and planning annexations and strategic boundaries, fresh Maginot Lines, new Gibaltars and Dardanelles, may presently be scheming the happy and healthy distribution of routes and residential districts in relation to this or that important region of world supply for oil or wheat or water-power. It is essentially the same type of cerebration, better employed.

Considerations of this sort are sufficient to supply a background of hopeful activities to our prospective

world order. But we are not all architects and gardeners; there are many types of minds and many of those who are training or being trained for the skilled co-operations of warfare and the development of a combatant morale may be more disposed to go on with definitely educational work. In that way they can most easily gratify the craving for power and honourable service. They will face a world in extreme need of more teachers, and fresh-minded and inspiring teachers at that. At every level of educational work from the kindergarten to the research laboratory, and in every part of the world from Capricornia to Alaska and from the Gold Coast to Japan, there will be need of active workers to bring minds into harmony with the new order and to work out, with all the labour-saving and multiplying apparatus available, cinema, radio, cheap books and pictures, and all the rest of it, the endless new problems of human liaison that will arise. There we have a second line of work along which millions of young people may escape the stagnation and frustration which closed in upon their predecessors as the old order drew to its end.

A sturdy and assertive variety of the new young will be needed for the police work of the world. They will be more disposed for authority and less for teaching or creative activities than their fellows. The old proverb will still hold for the new order that it takes all sorts to make a world, and the alternative to driving this type of temperament into conspiracy and fighting it, and, if you can, suppressing it, is to employ it, win it over, trust it, and give it law behind it to respect and enforce. They want a loyalty, and this loyalty will find its best use and satisfaction in the service of world order. I

have remarked in the course of such air travel as I have done that the airmen of all nations have a common resemblance to each other and that the patriotic virus in their blood is largely corrected by a wider professionalism. At present the outlook before a young airman is to perish in a spectacular dog-fight before he is five-and-twenty. I wonder how many of them really rejoice in that prospect.

It is not unreasonable to anticipate the development of an *ad hoc* disarmament police which will have its greatest strength in the air. How easily the spirit of an air police can be denationalized is shown by the instance of the air patrols on the United States and Canadian border, to which President Roosevelt drew my attention. There is a lot of smuggling along that border and the planes now play an important part in its suppression. At first the United States and Canada had each its own planes. Then in a wave of common sense the two services were pooled. Each plane now carries a United States and a Canadian customs officer. When contraband is spotted the plane comes down on it and which officer acts is determined by the destination of the smuggled goods. There we have a pattern for a world struggling through federation to collective unity. An *ad hoc* disarmament police with its main strength in the air would necessarily fall into close co-operation with the various other world police activities. In a world where criminals can fly anywhere, the police must be able to fly anywhere too. Already we have a world-wide network of competent men fighting the white-slave traffic, the drug traffic, and so forth. The thing begins already.



All this I write to provide imaginative material for those who see the coming order as a mere blank interrogation. People talk much nonsense about the disappearance of incentive under socialism. The exact opposite is the truth. It is the obstructive appropriation of natural resources by private ownership that robs the prosperous of incentive and the poor of hope. Our Declaration of Human Rights assures a man the proper satisfaction of all his elementary needs *in kind*, and nothing more. If he wants more than that he will have to work for it, and the healthier he is and the better he is fed and housed, the more bored he will be by inactivity and the more he will want something to do. I am suggesting what he is likely to do in general terms, and that is as much as one can do now. We can talk about the broad principles upon which these matters will be handled in a consolidating world socialism, but we can scarcely venture to anticipate the detailed forms, the immense richness and variety of expression, an ever increasing number of intelligent people will impose upon these primary ideas.

But there is one more structural suggestion that it may be necessary to bring into our picture. So far as I know, it was first broached by that very bold and subtle thinker, Professor William James, in a small book entitled *The Moral Equivalent of War*. He pointed out the need there might be for a conception of duty, side by side with the idea of rights, that there should be something in the life of every citizen, man and woman alike, that should give him at once a sense of personal obligation to the World State and personal ownership in the World State. He brought that into relation with

the fact that there will remain in any social order we can conceive, a multitude of necessary services which by no sort of device can be made attractive as normal lifelong occupations. He was not thinking so much of the fast-vanishing problem of mechanical toil as of such irksome tasks as the prison warder's, the asylum attendant's, the care of the aged and infirm, nursing generally, health and sanitary services, a certain residuum of clerical routine, dangerous exploration and experiment. No doubt human goodness is sufficient to supply volunteers for many of these things, but are the rest of us entitled to profit by their devotion? His solution is universal conscription for a certain period of the adult life. The young will have to do so much service and take so much risk for the general welfare as the world commonwealth requires. They will be able to do these jobs with the freshness and vigour of those who know they will presently be released, and who find their honour in a thorough performance; they will not be subjected to that deadening temptation to self-protective slacking and mechanical insensitiveness which assails all who are thrust by economic necessity into these callings for good and all.

It is quite possible that a certain percentage of these conscripts may be caught by the interest of what they are doing; the asylum attendant may decide to specialize in psycho-therapeutic work; the hospital nurse succumb to that curiosity which underlies the great physiologist; the Arctic worker may fall in love with his snowy wilderness. . . .

One other leading probability of a collectivist world order has to be noted here, and that is an enormous in-



crease in the pace and amount of research and discovery. I write "research," but by that I mean that double-barrelled attack upon ignorance, the biological attack and the physical attack, that is generally known as "Science." "Science" comes to us from those academic Dark Ages when men had to console themselves for their ignorance by pretending that there was a limited amount of knowledge in the world, and little chaps in caps and gowns strutted about, bachelors who knew a passable lot, masters who knew a tremendous lot, and doctors in crimson gowns who knew all that there was to be known. Now it is manifest that none of us knows very much, and the more we look into what we think we know, the more hitherto undetected things we shall find lurking in our assumptions.

Hitherto this business of research, which we call the "scientific world," has been in the hands of very few workers indeed. I throw out the suggestion that in our present-day world, of all the brains capable of great and masterful contributions to "scientific" thought and achievement, brains of the quality of Lord Rutherford's, or Darwin's or Mendel's or Freud's or Leonardo's or Galileo's, not one in a thousand, not one in a score of thousands, ever gets born into such conditions as to realize its opportunities. The rest never learn a civilized language, never get near a library, never have the faintest chance of self-realization, never hear the call. They are under-nourished, they die young, they are misused. And of the millions who would make good, useful, eager secondary research workers and explorers, not one in a million is utilized.

But now consider how things will be if we had a stir-

ring education ventilating the whole world, and if we had a systematic and continually more competent search for exceptional mental quality and a continually more extensive net of opportunity for it. Suppose a quickening public mind implies an atmosphere of increasing respect for intellectual achievement and a livelier criticism of imposture. What we call scientific progress today would seem a poor, hesitating, uncertain advance in comparison with what would be happening under these happier conditions.

The progress of research and discovery has produced such brilliant and startling results in the past century and a half that few of us are aware of the small number of outstanding men who have been concerned in it, and how the minor figures behind these leaders trail off into a following of timid and ill-provided specialists who dare scarcely stand up to a public official on their own ground. This little army, this "scientific world" of today, numbering I suppose from head to tail, down to the last bottle-washer, not a couple of hundred thousand men, will certainly be represented in the new world order by a force of millions, better equipped, amply co-ordinated, free to question, able to demand opportunity. Its best will be no better than our best, who could not be better, but they will be far more numerous, and its rank and file, explorers, prospectors, experimental team workers, and an encyclopaedic host of classifiers and co-ordinators and interpreters, will have a vigour, a pride and confidence, that will make the laboratories of today seem half-way back to the alchemist's den.

Can one doubt that the "scientific world" will break

out in this way when the revolution is achieved, and that the development of man's power over nature and over his own nature and over this still unexplored planet will undergo a continual acceleration as the years pass? No man can guess beforehand what doors will open then nor upon what wonderlands.

These are some fragmentary intimations of the quality of that wider life a new world order can open to mankind. I will not speculate further about them because I would not have it said that this book is Utopian or "imaginative" or anything of that sort. I have set down nothing that is not strictly reasonable and practicable. It is the soberest of books and the least original of books. I think I have written enough to show that it is impossible for world affairs to remain at their present level. Either mankind collapses or our species struggles up by the hard yet fairly obvious routes I have collated in this book, to reach a new level of social organization. There can be little question of the abundance, excitement, and vigour of living that awaits our children upon that upland. If it is attained. There is no doubting their degradation and misery if it is not.

There is nothing really novel about this book. But there has been a certain temerity in bringing together facts that many people have avoided bringing together for fear they might form an explosive mixture. Maybe they will. They may blast through some obstinate mental barriers. In spite of that explosive possibility, that explosive necessity, it may be, this remains essentially an assemblage, digest, and encouragement of now prevalent but still hesitating ideas. It is a plain statement of the revolution to which reason points an increasing

number of minds, but which they still lack resolution to undertake. In *The Fate of Homo sapiens* I have stressed the urgency of the case. Here I have assembled the things they can and need to do. They had better summon up their resolution.



## Is it time to send UN troops to U.S.?

The United Nations currently has multinational peacekeeping troops stationed in 14 countries around the world. The precise missions vary, but they all have one thing in common: The international soldiers are there to help bring tranquility and safety to places that can't do so on their own.

So perhaps there is one more place where a UN multinational force is desperately needed.

### The United States

Preposterous? Maybe not. Maybe it is an issue for the 184 member nations of the UN to discuss. Sending soldiers from around the world onto the streets of our own country? We probably haven't come to the point where we need such action yet, but we're veering perilously close.

I first heard this idea from an Ohio businessman—C.P. Wood, 61, of Cincinnati. "I know that people won't take it seriously at first," he said. "But I'm dead serious, really. For God's sake, someone has to do something to stop the slaughter on our streets."

His point, of course, is that the social fabric of the U.S. is arguably not that much stronger than in the so-called backward nations where the UN often must send troops. The supposition, down through our history, has been that we are the land of the good and the wise and the peace-loving, the land that values life and guarantees security for its people.

"Absolutely," Wood said. "The first order of business should be to place an international soldier at every street corner in America. The mission of the soldiers should be to get awfully tough, and right away. The people of this country are so sick of



UN troops battle to keep the peace worldwide.

being kicked around and threatened by crooks and murderers. Let the UN soldiers stop the mayhem. Stop the mayhem and pick up the weapons."

The very thought of this is undoubtedly offensive to millions of Americans—the thought of soldiers from around the world, under the banner of the United Nations, taking over our streets. After all, UN soldiers traditionally are deployed only to nations that cannot take care of their own problems.

"Correct," Wood said. "That's the United States, today. We are impotent, absolutely impotent. If we could control the gunfire and brutality in our own country, we would have controlled it by now. We can't, obviously. We need outside help."

According to the United Nations, it currently has 16,000 peacekeeping troops, representing more than 70 countries, deployed worldwide. Cleaning up the United States might rank among the UN's toughest jobs. The raw figures tell the story. If you were to announce the United States' crime rate without telling anyone that those figures did, indeed, apply to life in our own country, there would be no question about it. People would hear the statistics and determine that the poor nation being ripped apart by such violence needed help, and right away. According to the Federal Bureau of Investigation, 28,703 Americans were victims of murder in 1991, the last year for which complete figures are available; that same year, 1.9 million incidents of violent crime were reported in the U.S.

"If you read those numbers in the paper about some other country, you would suspect UN troops being sent in the next morning," Wood said. "It's only when you read them in the paper about our country that you stop and wonder what we have come to."

He's right about that. Pick up your newspaper in the morning and you read not only the numbers, but the stories. Children and teenagers being murdered by snipers stationed on rooftops. Entire neighborhoods being controlled by marauding gangs with their own leaders and hierarchies. Police forces confessing that they fear being outgunned by criminals on the streets bearing high-powered weapons.

For as long as the United States has presumed that its position in the world community is based upon some moral authority possessed by us, a moral authority that is lacking in other nations.

"What moral authority?" Wood said. "We are no longer the land of the free when our own citizens do not feel free to walk the streets in safety, and when our police departments admit that they cannot always protect us. That's hypocrisy, to think that we can send troops to other countries to pick up the guns and clean up the streets. How are we, the way we are today, so much better than these countries?"

The UN currently only sends troops into countries in hopeless trouble, desperate for order and civility to be restored.

"That's right," Wood said. "That's us."



Things are beginning to look up for E. Graydon Carter after a rough first year as editor of Vanity Fair.

## Now he's fair game

E. Graydon Carter could dish it out but, after a year editing Vanity Fair, can he take it?

By Lisa Anderson

NEW YORK—As they say, what goes around comes around. Lately, it seems to have come around to E. Graydon Carter, former bad boy co-founder and editor of the gleefully malicious Spy magazine and current editor in chief of the voluptuously glossy Vanity Fair.

The champagne bubbles barely had lost their fizz after Vanity Fair's 10th anniversary party this month when The New York Observer, a bluish-colored, upscale weekly newspaper, floated the rumor that James Truman, the boyish editor of Details magazine, was in line to succeed Carter as editor of Vanity Fair.

"They write about me constantly. So tacky," says Carter, dismissively pursing his lips at the perfidy of his former colleagues. He edited the Observer for a year before joining Vanity Fair, a Conde Nast stablemate of Details, Vogue and Glamour, among others, and, like



The October cover with Julia Roberts (right) could outsell the famous Demi Moore issue.

The New Yorker, part of the Newhouse publishing empire.

On the same day, an item in the Daily News' gossip "Charlotte's Web" applauded the Observer for its cheek and cheerfully repeated the rumor for mass consumption.

"That's an old rumor," sniffs Carter, sitting in his cory conference-room-cum-office on Madison Avenue.

Tall and slim at 44, Carter, dressed in a moss-green linen suit, tartan shirt and navy dotted tie, has the elegantly rumpled look of a youngish Old Etonian.

The image is burnished by the English suits

he favors, the dence of his side-parted school-boy style with a dandy's

The Saville Hotel on best-dress hardly hurt in some of the t Anna Wintour Brown, Carter are English.

The Toronto and the son of who never in British sense critics.

"You know, that much who I don't listen mean, it all fit way, but it's ago. And it's than it is now

As to the waiting in the say? Nothing.

Particularly for beholding



Khaled Shair has moved his family to the West Bank to head up the first independent Palestinian bank.

## In Palestine they trust

Wheaton banker joins other expatriates to invest in their people's future

By Tom Hoadley  
TEMPO STAFF WRITER

**R**AMALLAH, Israeli-Occupied West Bank—Khaled Shair describes himself as cautious and conservative. But two months ago, the 44-year-old Chicago area investment banker took a flying leap.

He sold his house in Wheaton and moved his wife and three children to a not-so-certain future in the Israeli-occupied West Bank, where he will take up new

duties as chief executive officer of the first independent Palestinian bank.

Granted, his leap into the unknown looks a lot better now—after the astonishing rapprochement between Israel and the Palestine Liberation Organization—than it did when he first made the decision. But being cautious and conservative, Shair keeps a lid on his enthusiasm.

"I am optimistic, but not too optimistic. A lot of things still have to be negotiated."

SEE BANKER, PAGE 2

### TEMPO UPDATE



**O**n June 22, 1992, Tempo reported on the Chicago Video Project, a non-profit organization that was helping inner-city community groups by creating videos that would tell their stories and help them flex their fundraising or lobbying muscles.

"Video is the language of the media," said Bruce Orenstein, the project's executive director and video producer. "It shortcuts the process of communication. We are not selling detergent. We are selling serious social issues. And when someone—the press, the City Council—buys, it's gratifying."

The project's latest production is a 12-minute video that begins with a series of glittering images right out of some boosterish commercial, cuts to the blighted reality of

some gives what crisis.

It's Chicago than to pro House dinan was b ell lat

### INS

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Michael Kilian notes yet another more and more like an of formal w

DISTRIBUTION OF SUPPLEMENTS TO CODE OF LAWS OF UNITED STATES AND  
OF DISTRICT OF COLUMBIA CODE AND SUPPLEMENTS; SLIP AND PAMPHLET  
COPIES

§ 210. Copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title shall be distributed by the Superintendent of Documents in the same manner as bound volumes of the Statutes at Large: *Provided*, That no slip or pamphlet copies of the Code of Laws relating to the District of Columbia, and of the supplements provided for by sections 202, 203 of this title need be printed or distributed.

COPIES TO MEMBERS OF CONGRESS

§ 211. In addition to quotas provided for by section 210 of this title there shall be printed, published, and distributed of the Code of Laws relating to the District of Columbia with tables, index, and other ancillaries, suitably bound and with thumb inserts and other convenient devices to distinguish the parts, and of the supplements to both codes as provided for by sections 202, 203 of this title, ten copies of each for each Member of the Senate and House of Representatives of the Congress in which the original authorized publication is made, for his use and distribution, and in addition for the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a number of bound copies of each equal to ten times the number of members of such committees, and one bound copy of each for the use of each committee of the Senate and House of Representatives.

ADDITIONAL DISTRIBUTION AT EACH NEW CONGRESS

§ 212. In addition the Superintendent of Documents shall, at the beginning of the first session of each Congress, supply to each Senator and Representative in such Congress, who may in writing apply for the same, one copy each of the Code of Laws of the United States, the Code of Laws relating to the District of Columbia, and the latest supplement to each code: *Provided*, That such applicant shall certify in his written application for the same that the volume or volumes for which he applies is intended for his personal use exclusively: *And provided further*, That no Senator or Representative during his term of service shall receive under this section more than one copy each of the volumes enumerated herein.

APPROPRIATION FOR PREPARING AND EDITING SUPPLEMENTS

§ 213. For preparation and editing an annual appropriation of \$6,500 is authorized to carry out the purposes of sections 202 and 203 of this title.

Repeals.

SEC. 2. The sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are hereby repealed insofar as such provisions appeared in title 1, United States Code, 1940 edition, as shown by the appended table: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.



Beck Act

STATUTES AT LARGE OR REVISED STATUTES	Title 1, United States Code, section
R. S., sec. 1	1
R. S., sec. 2	2
R. S., sec. 3	3
R. S., sec. 4	4
R. S., sec. 5	5
Act June 11, 1940, ch. 325, sec. 1, 54 Stat. 305	6
R. S., sec. 7	21
R. S., sec. 8	22
R. S., sec. 9	23
R. S., sec. 10	24
R. S., sec. 11	25
Res. Nov. 1, 1893, 28 Stat. Appendix 5; act Mar. 2, 1895, ch. 177, sec. 1, 28 Stat. 769	26
Act Mar. 6, 1920, ch. 94, sec. 1, 41 Stat. 520	27
R. S., sec. 12	28
R. S., sec. 13; Mar. 22, 1944, ch. 123, 58 Stat. 118	29
R. S., sec. 5599	29a
Act Mar. 3, 1933, ch. 202, sec. 3, 47 Stat. 1431	29b
Act Jan. 12, 1895, ch. 23, sec. 73, 28 Stat. 615; June 20, 1936, ch. 630, sec. 9, 49 Stat. 1551; June 16, 1938, ch. 477, sec. 1, 52 Stat. 760	30
R. S., sec. 908	30a
R. S., sec. 6	31
Res. Mar. 2, 1929, ch. 586, sec. 1, 45 Stat. 1540	51a
Act May 29, 1928, ch. 910, sec. 2, 45 Stat. 1007; Res. Mar. 2, 1929, ch. 586, sec. 2, 45 Stat. 1541	52
Act May 29, 1928, ch. 910, sec. 3, 45 Stat. 1007	53
Act May 29, 1928, ch. 910, sec. 4, 45 Stat. 1007; Res. Mar. 2, 1929, ch. 586, sec. 3, 45 Stat. 1541	54
Res. Mar. 2, 1929, ch. 586, sec. 4, 45 Stat. 1542; Act Mar. 4, 1933, ch. 282, sec. 1, 47 Stat. 1603; June 13, 1934, ch. 483, secs. 1, 2, 48 Stat. 948	54a
Res. Mar. 2, 1929, ch. 586, sec. 5, 45 Stat. 1542; Act Mar. 4, 1933, ch. 282, sec. 1, 47 Stat. 1603; June 13, 1934, ch. 483, secs. 1, 2, 48 Stat. 948	54b
Res. Mar. 2, 1929, ch. 586, sec. 6, 45 Stat. 1542	54c
Res. Mar. 2, 1929, ch. 586, sec. 7, 45 Stat. 1542	54d
Act May 29, 1928, ch. 910, sec. 5, 45 Stat. 1007	55
Act May 29, 1928, ch. 910, sec. 6, 45 Stat. 1007	56
Act May 29, 1928, ch. 910, sec. 7, 45 Stat. 1008	57
Act May 29, 1928, ch. 910, sec. 8, 45 Stat. 1008	58
Act May 29, 1928, ch. 910, sec. 10, 45 Stat. 1008	59
Act Mar. 3, 1933, ch. 202, sec. 2, 47 Stat. 1431	60

Approved July 30, 1947.

[CHAPTER 389]

AN ACT

To codify and enact into positive law title 4 of the United States Code, entitled "Flag and seal, Seat of Government, and the States".

July 30, 1947  
[H. R. 1566]  
[Public Law 272]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 4 of the United States Code, entitled "Flag and seal, Seat of Government, and the States", is codified and enacted into positive law and may be cited as "4 U. S. C., § —", as follows:

Title 4, U. S. Code.  
Codification and enactment into positive law.

TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

Chap.	Sec.
1. The Flag	1
2. The Seal	41
3. Seat of the Government	71
4. The States	101

## CHAPTER 1—THE FLAG

- § 1. Flag; stripes and stars on.
- § 2. Same; additional stars.
- § 3. Use of flag for advertising purposes: mutilation of flag.

## FLAG; STRIPES AND STARS ON

§ 1. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

## SAME; ADDITIONAL STARS

§ 2. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

## USE OF FLAG FOR ADVERTISING PURPOSES; MUTILATION OF FLAG

§ 3. Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign", as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

## CHAPTER 2—THE SEAL

- § 41. Seal of the United States.
- § 42. Same; custody and use of.

## SEAL OF THE UNITED STATES

§ 41. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

## SAME; CUSTODY AND USE OF

§ 42. The Secretary of State shall have the custody and charge of such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor.

## CHAPTER 3—SEAT OF THE GOVERNMENT

§ 71. Permanent seat of Government.

§ 72. Public offices; at seat of Government.

§ 73. Same; removal from seat of Government.

## PERMANENT SEAT OF GOVERNMENT

§ 71. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States.

## PUBLIC OFFICES; AT SEAT OF GOVERNMENT

§ 72. All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

## SAME; REMOVAL FROM SEAT OF GOVERNMENT

§ 73. In case of the prevalence of a contagious or epidemic disease at the seat of government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business.

## CHAPTER 4—THE STATES

§ 101. Oath by members of legislatures and officers.

§ 102. Same; by whom administered.

§ 103. Assent to purchase of lands for forts.

§ 104. Tax on motor fuel sold on military or other reservation; reports to State taxing authority.

§ 105. State, etc., taxation affecting Federal areas; sales or use tax.

§ 106. Same; income tax.

§ 107. Same; exception of United States, its instrumentalities, and authorized purchasers therefrom.

§ 108. Same; jurisdiction of United States over Federal areas unaffected.

§ 109. Same; exception of Indians.

§ 110. Same; definitions.

## OATH BY MEMBERS OF LEGISLATURES AND OFFICERS

§ 101. Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States."



## SAME; BY WHOM ADMINISTERED

§ 102. Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner, as by the law of the State, he is directed to record or certify the oath of office.

## ASSENT TO PURCHASE OF LANDS FOR FORTS

§ 103. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, without such consent having been obtained.

TAX ON MOTOR FUEL SOLD ON MILITARY OR OTHER RESERVATION REPORTS  
TO STATE TAXING AUTHORITY

§ 104. (a) All taxes levied by any State, Territory, or the District of Columbia upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor vehicle fuels may be levied, in the same manner and to the same extent, with respect to such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory, or the District of Columbia, within whose borders the reservation affected may be located.

(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory, or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel with respect to which taxes are payable under subsection (a) for the preceding month.

STATE, AND SO FORTH, TAXATION AFFECTING FEDERAL AREAS; SALES OR  
USE TAX

§ 105. (a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

(b) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940.

## SAME; INCOME TAX

§ 106. (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason



of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

**SAME; EXCEPTION OF UNITED STATES, ITS INSTRUMENTALITIES, AND  
AUTHORIZED PURCHASES THEREFROM**

§ 107. (a) The provisions of sections 105 and 106 of this title shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy.

**SAME; JURISDICTION OF UNITED STATES OVER FEDERAL AREAS UNAFFECTED**

§ 108. The provisions of sections 105 to 110 of this title shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area.

**SAME; EXCEPTION OF INDIANS**

§ 109. Nothing in sections 105 and 106 of this title shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed.

**SAME; DEFINITIONS**

§ 110. As used in sections 105-109 of this title—

(a) The term "person" shall have the meaning assigned to it in section 3797 of title 26.

(b) The term "sales or use tax" means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 104 of this title are applicable.

(c) The term "income tax" means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

(d) The term "State" includes any Territory or possession of the United States.

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.

SEC. 2. The sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are hereby

"PERSON" IS DEFINED

"INCLUDE" MEANS TO  
SHUT IN OR INCLOSE  
OR ONLY THOSE  
THINGS LISTED.

NO CONSTITUTIONAL  
AUTHORITY FOR  
SUCH A BROAD  
CATEGORY IN ANY

Repeals. SOVEREIGN STATE

repealed insofar as such provisions appear in title 4, United States Code, 1940 edition, and supplements thereto, as shown by the appended table: *Provided*, That any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

## STATUTES AT LARGE OR REVISED STATUTES

	Title 4, United States Code, section
R. S., secs. 1791, 1792	1
R. S., sec. 1792	2
Feb. 3, 1917, ch. 34, 39 Stat. 900	3
R. S., sec. 1793	4
R. S., secs. 203 (first clause), 1794	5
R. S., sec. 1795	6
R. S., sec. 1796	7
R. S., sec. 4796	8
R. S., sec. 1836	9
R. S., sec. 1837	10
R. S., sec. 1838	11
June 16, 1936, ch. 582, sec. 10, 49 Stat. 1521; Oct. 9, 1940, ch. 787, sec. 7, 54 Stat. 1060	12
Oct. 9, 1940, ch. 787, sec. 1, 54 Stat. 1059	13
Oct. 9, 1940, ch. 787, sec. 2, 54 Stat. 1060	14
Oct. 9, 1940, ch. 787, sec. 3, 54 Stat. 1060	15
Oct. 9, 1940, ch. 787, sec. 4, 54 Stat. 1060	16
Oct. 9, 1940, ch. 787, sec. 5, 54 Stat. 1060	17
Oct. 9, 1940, ch. 787, sec. 6, 54 Stat. 1060	18

Approved July 30, 1947.

## [CHAPTER 390]

## AN ACT

July 30, 1947  
[H. R. 1567]  
[Public Law 230]

To codify and enact into positive law title 6 of the United States Code, entitled "Official and Penal Bonds".

Title 6, U. S. Code.  
Codification and enactment into positive law.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That title 6 of the United States Code, entitled "Official and Penal Bonds", is codified and enacted into positive law and may be cited as "6 U. S. C., § —", as follows:

## TITLE 6—OFFICIAL AND PENAL BONDS

- § 1. Custody.
- § 2. Examination as to sufficiency of sureties.
- § 3. Renewal; continuance of liability.
- § 4. Notice of delinquency of principal.
- § 5. Limitation of actions against sureties.
- § 6. Surety companies as sureties.
- § 7. Same; appointment of agents; service of process.
- § 8. Same; deposit of copy of charter.
- § 9. Same; quarterly statements.
- § 10. Same; jurisdiction of suits on bonds.
- § 11. Same; nonpayment of judgment.
- § 12. Same; estoppel to deny corporate powers.
- § 13. Same; failure to comply with the law.
- § 14. Rate of premium on bond; premiums not to be paid by United States.
- § 15. Bonds or notes of United States in lieu of recognizance, stipulation, bond, guaranty, or undertaking; place of deposit; return to depositor; contractors' bonds.

## CUSTODY

§ 1. All bonds of the Treasurer of the United States, collectors of internal revenue, collectors, comptrollers of customs, surveyors, and other officers of the customs, either as such officers or as disbursing officers of the Treasury, bonds of the Secretary of the Senate, Clerk

of the House of Representatives, and the Sergeant at Arms of the House of Representatives, shall be placed in the custody of the Secretary of the Treasury and filed as he may direct: and the duties required by law on March 2, 1895, of the Comptroller of the Treasury in regard to such bonds, as the successor of the Commissioner of Customs and First Comptroller of the Treasury, shall be performed by the Secretary of the Treasury.

#### EXAMINATION AS TO SUFFICIENCY OF SURETIES

§ 2. Every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary.

#### RENEWAL; CONTINUANCE OF LIABILITY

§ 3. Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or of that part of section 27 of title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in said sections shall be construed to repeal or modify section 38 of title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees, officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title.

#### NOTICE OF DELINQUENCY OF PRINCIPAL

§ 4. Whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post office in the city of Washington, District of Columbia, addressed to said sureties respectively and directed to the respective post offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.



## INTRODUCTION

"WE MAY WELL WONDER in view of the precedents now established," said Charles E. Hughes in 1920, "whether constitutional government as heretofore maintained in this Republic could survive another great war even victoriously waged."<sup>1</sup> The conflict known as the World War had ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes were still in effect, many of the emergency organizations were still in operation, and the pent-up emotions of the American people, now denied their normal military outlet against the enemy, were turned against so-called radicals, nonconformists, and other unpopular groups in the United States. The war had brought invasion of the rights of property and regimentation of individual lives to a degree never previously experienced by American citizens. Much of the regimentation of property soon came to an end, and gradually, in spite of the fears of Mr. Hughes and others, the traditional safeguards of civil liberty became effective once more. The country experienced a nominal "return to normalcy." Beneath the surface, however, apart from the war and in spite of professions of Presidents Harding, Coolidge, and Hoover in favor of more business in government and less government in business, the decade of the nineteen-twenties witnessed a renewed and less spectacular extension of peacetime regulatory power over the rights of property. The business collapse of 1929 outlived protestations that the economic order was fundamentally sound and belied the prophecy that prosperity was "just around the corner." The crisis, characterized by a member of the Supreme Court as "more serious than war," culminated in the program called the New Deal. That program included regulation of property in some respects more

<sup>1</sup> *New York Times*, June 22, 1920.



commerce, or legitimate taxation. The only other theory, he said, was the suggestion of an emergency.

I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency there is no Constitution. This means its death. It is the very doctrine that the German chancellor is invoking today in the dying hours of the parliamentary body of the German republic, namely, that because of an emergency it should grant to the German chancellor absolute power to pass any law, even though that law contradicts the constitution of the German republic. Chancellor Hitler is at least frank about it. We pay the Constitution lip-service, but the result is the same."

The Constitution still lived, he said, in so far as it prescribed the mechanics of government and protected and safeguarded the liberties of the individual.

But the Constitution of the United States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes a law, there is no longer any workable Constitution to keep the Congress within the limits of its constitutional powers."

However much impressed his auditors may have been with the eloquence of Congressman Beck and with the general soundness of his constitutional doctrine, the House passed the farm bill by a vote of more than three to one.

A clash of interests in the Senate frustrated the dismemberment or defeat of the bill, but most of the opponents were kept in line by the President and his cohorts. In the meantime, the President sent to Congress a message, asking for related legislation to save farm mortgages from foreclosure. This measure was so popular in Congress that in both houses rival committees fought for jurisdiction over it. In the Senate the farm-mortgage bill was added by amendment to the general agricultural bill, thereby greatly increasing the popularity of the latter.

The passage of the farm bill by the Senate was delayed by another, much more controversial, amendment. Competing nations in world markets had abandoned the gold standard and substantially inflated

<sup>1</sup> *Ibid.*, p. 754.

<sup>2</sup> *Ibid.*, p. 755.

<sup>3</sup> See *New York Times*, April 5 and 6, 1933.

their currencies. Such inflation had been marketing American farm products. It took the position that corresponding to our own currency system. Farm leaders held a conference at the White House that resulted in a number of inflationary amendments for the coinage of silver, were that the President favored none of them. His mind or was forced to compromise the United States off the gold standard if it was already off the gold standard as determined, in that holders of gold were the Treasury of the United States, administration officials then collaborated in working out what was called an inflation bill. That amendment, as adopted, over the currency whenever he found the United States was adversely affected of the currency of other nations, or required an expansion of credit, or necessary to secure by international currencies of various governments a was authorized to expand credit by or through the Federal Reserve Board. In the event, he was authorized to issue up to \$1 billion of United States notes. He was authorized to dollar, to fix the relation between substantial sums in silver.

The farm bill, as approved on March 17, 1933, contained provisions of the original bill, the "inflation amendment." On March 22, with the backing of the President, it was based on the practices already established in the redemption of government bonds or in the tendering of gold to the government so that the payment in gold could not be fulfilled. It prescribed the currencies that should continue their acceptance in full payment of

<sup>4</sup> *Ibid.*, April 15, 1933.

<sup>5</sup> *Ibid.*, p. 754.

EMERGENCY POWERS STATUTES:

PROVISIONS OF FEDERAL LAW  
NOW IN EFFECT DELEGATING TO THE  
EXECUTIVE EXTRAORDINARY AUTHORITY  
IN TIME OF NATIONAL EMERGENCY

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REPORT

OF THE

SPECIAL COMMITTEE ON THE  
TERMINATION OF THE  
NATIONAL EMERGENCY  
UNITED STATES SENATE



NOVEMBER 19, 1973

RECEIVED

JUL 26 1991

John L. DeLoach, Chairman

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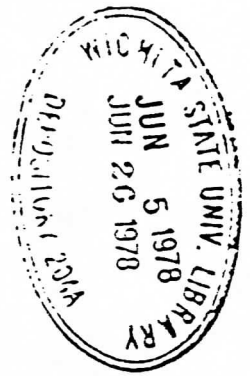
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Contains original draft of Bank Relief Act

PUBLIC PAPERS OF THE PRESIDENTS  
OF THE UNITED STATES

# Herbert Hoover



*Containing the Public Messages, Speeches, and  
Statements of the President*

JANUARY 1, 1932 TO MARCH 4, 1933

1932-33



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## FOREWORD

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Since March 9, 1933, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional processes.

**Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens.**

With the melting of the cold war—the developing détente with the Soviet Union and China, the stable truce of over 20 years duration between North and South Korea, and the end of U.S. involvement in the war in Indochina—there is no present need for the United States Government to continue to function under emergency conditions.

The Special Committee on the Termination of the National Emergency was created<sup>1</sup> to examine the consequences of terminating the declared states of national emergency that now prevail; to recommend what steps the Congress should take to ensure that the termination can be accomplished without adverse effect upon the necessary tasks of governing; and, also, to recommend ways in which the United States can meet future emergency situations with speed and effectiveness but without relinquishment of congressional oversight and control.

In accordance with this mandate, the Special Committee—in conjunction with the Executive branch, expert constitutional authorities, as well as former high officials of this Government—is now engaged

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<sup>1</sup> S. Res. 9, 83d Cong., 1st Sess.



# INTRODUCTION

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## A—A BRIEF HISTORICAL SKETCH OF THE ORIGINS OF EMERGENCY POWERS NOW IN FORCE

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have—from, at least, the Civil War—in important ways shaped the present phenomenon of a permanent state of national emergency.

American political theory of emergency government was derived and enlarged from John Locke, the English political-philosopher whose thought influenced the authors of the Constitution. Locke argued that the threat of national crisis—unforeseen, sudden, and potentially catastrophic—required the creation of broad executive emergency powers to be exercised by the Chief Executive in situations where the legislative authority had not provided a means or procedure of remedy. Referring to emergency power in the 14th chapter of his *Second Treatise on Civil Government* as “prerogative,” Locke suggested that it:

... should be left to the discretion of him that has the executive power... since in some governments the lawmaking power is not always in being and is usually too numerous, and so too slow for the dispatch requisite to executions, and because, also it is impossible to foresee and so by laws to provide for all accidents and necessities that may concern the public, or make such laws as will do no harm, if they are executed with an inflexible rigour on all occasions and upon all persons that may come in their way, therefore there is a latitude left to the executive power to do many things of choice which the laws do not prescribe.

To what extent the Founding Fathers adhered to this view of the executive role in emergencies is a much disputed issue. Whatever their conceptions of this role, its development in practice has been based largely on the manner in which individual Presidents have viewed their office and its functions. Presidents Theodore Roosevelt and William Howard Taft argued the proper role of the President and

Mr. CLARK. I will start out, as the younger, with the more recent era of the Supreme Court. I won't be intimidated by what others say. I don't think that you will be able to find case law that will answer your question. It doesn't exist. You can find as to certain powers, the power to suspend written habeas corpus, some of the oldest law cases, Bill of Rights, and things like that.

**They are quite careful and restrictive on the power, but the power to suspend is specifically contemplated by the Constitution in writ of habeas corpus. When you come to the Bill of Rights, in my philosophy, there is no capacity in Government that these are inalienable rights. They are reposed in the people, and the Government, whatever the emergency, cannot transgress them.**

Senator CHURCH. Any other opinion entered here?

Mr. KATZENBACH. Yes. I agree with that, with what Mr. Clark has said. I think there are some rights in the Constitution which clearly can't be totally suspended under the Constitution. I think there are factual circumstances which require a balancing of various rights from time to time and which may, in some circumstances, justify more restrictions that would otherwise. Even with respect to the first amendment, there are probably some rights which you can assert, absent crisis; but, given really intense crisis, the Court might condone some circumstantial conscription. Philosophically, the rights where I agree with Mr. Justice Black is pretty black-and-white on the first amendment—however, the Court never went along entirely with his philosophy on that. I am sure, as a practical matter, that you could have the kind of crisis where rather extraordinary power can be taken on to people.

I will give you one example—it is one that always bothered me—I found the rationalization for it, but it may not be a good reason.

I was down in old Mississippi and the riot was going on. There were a great many cars with an unusual number of people, for that hour of night, going hunting. Now, as the cars flowed into Oxford, Miss., they set up some roadblocks. What the military did—and I knew about it and did not stop them from doing it—was to remove firearms. They tagged them with the name of the owners and said the firearms would be returned.

Now, there was no intention of using that search for the prosecution of any person. The intention was to try to stop the shooting that was going on. I am not at all sure—by condoning or authorizing that action—I was not acting in violation of the Constitution. My rationalization was, I was not doing it for any purposes but—

Senator CHURCH. Maintain the peace?

Mr. KATZENBACH. Yes, maintaining peace at that particular moment. I offer that as an example of a problem I thought was very difficult.

Senator CHURCH. Isn't it true that many times in the course of our history, in conditions like that which you phrased, or where a condition of war existed or martial law was declared, that the practical effect of that is really to suspend all constitutional powers? For instance, during martial law little recognition is given to civil and constitutional rights.

Mr. KATZENBACH. But after the fact, it may be found the action that was taken by the enforcement authority was withdrawn. Enforcement authorities are likely to do that, given that kind of pressure, and preserve the constitutional principle by afterward saying they shouldn't.

Justice CLARK. Of course, there is the theory where you have martial law and courts-martial, somehow those courts are not bound by the Bill of Rights. I held just contrary to that about 6 months ago when I sat here on the Court of Appeals for the District of Columbia. We struck out one of the sections of the Uniform Code of Military Justice that was too vague, we said, on constitutional principles.

But I think Mr. Katzenbach is right. Rather, my theory is—although Justice Black did not adhere to this—that there must be a balancing test. Justice Harlan and myself went very strong on the balancing test. Justice Black was to the contrary, but we thought where you had a problem of this type that you balanced, or attempted to balance, the necessities of the State with the involved rights of the individual. If the necessities of the State are compelling, the rights of the individual must give way, lest the Bill of Rights—under which the individual claim is—itsself, be destroyed.

#### CIVIL COURTS BOUND BY BILL OF RIGHTS

I submit that is what we usually try to do on the Court. Now, where you have martial law and the civil court is permitted to continue to sit, you may have a different problem. In the civil courts, certainly you would be bound by the Bill of Rights.

So I rather think, in the long run, you would be able to work it out. I think that we must remember that unless the Government is able to exert sufficient power to prevent the destruction of the Constitution—under which the claimed rights exist—we have a pretty weak reed to depend upon. I grant you that is a hard answer that you have to make in circumstances of that type; but, I think that the Court in the past has thought in those terms.

Senator CHURCH. I want to pause for just a minute to welcome a distinguished Senator, John Sherman Cooper, now retired, who has come into the room. He is a great friend of ours. I invite you Senator Cooper, to come up and join us if you would. Senator Mathias and I would be privileged to have you.

Senator COOPER. Thank you. I will sit and listen.

Senator CHURCH. As you please.

Senator COOPER. I would like to thank you for the privilege.

Senator CHURCH. Mr. Katzenbach mentioned in his testimony, as did Ramsey Clark, the Trading With the Enemy Act of 1917 and the importance of certain provisions, especially section 5(b), together with the fact that the use of these particular powers rests upon the existence, the continuing existence, of a national emergency. President Roosevelt invoked section 5(b) in proclaiming an emergency in 1933. That declaration of national emergency has continued in effect from 1933 to the present day. A series of Presidents have used these powers; the process appears endless—the states of emergency, unless this Special Committee lives up to its Senate mandate, will never end.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.\*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

**Section. 10.** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State

\*See Sixteenth Amendment.

on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article. II.

**Section. 1.** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President

## Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

## Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

## Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## Amendment IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## Amendment XI.\*

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of

\*The Eleventh Amendment was ratified February 7, 1795.



proclamation of acts of President and Secretary of the Treasury under § 95a

The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of section 5 of the Act of October 6, 1917, as amended [12 USCS § 95a], are hereby approved and confirmed.

(Mar. 9, 1933, c. 1, Title I, § 1, 48 Stat. 1.)

## CODE OF FEDERAL REGULATIONS

31 CFR Parts 120-121.

## CROSS REFERENCES

Authorization for emergency banking regulations and bank holidays, 12 USCS § 95.

Right to amend and separability, 12 USCS § 212.

This section is referred to in 12 USCS §§ 51b-1, 212, 213.

## RESEARCH GUIDE

Am Jur:

10 Am Jur 2d, Banks § 278.

## INTERPRETIVE NOTES AND DECISIONS

Prior to adoption of 12 USCS § 95b it was assumed that presidential proclamation which purported to be directed against hoarding of cash was well supported by federal statute, and that regulations under it were valid, and that compliance therewith was compulsory. *Kullman & Co. v. Wiley* (1936, CA5 Miss) 83 F2d 129.

Closing of national bank by Presidential proclamation was reasonable step to be taken in financial emergency which confronted country and was authorized by 12 USCS §§ 95, 95a, and 95b, all of which are constitutional. *Smith v. Witherow* (1939, CA3 Pa) 102 F2d 638.

President was not authorized to declare bank holiday by Trading with Enemy Act of 1917 but lack of authority was remedied by passage of 12 USCS § 95b. *United States v. Briddle* (1962, DC Cal) 212 F Supp 584.

Foreclosure sale by bank on date that Presidential proclamation declaring bank holiday was issued was legal since President was without authority to make proclamation as of that date and enactment of 12 USCS § 95b later did not render illegal what had been legally done. *Anthony v. Bank of Wiggins* (1938) 183 Miss 585, 184 So 626.

## OBTAINING AND ISSUING CIRCULATING NOTES

### § 101. Delivery of circulating notes; deposit of bonds

Upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now [enacted Mar. 14, 1900] having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such

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PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

*Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.  
[H. R. 1491.]  
[Public No. 1.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.*

National banking system.  
Emergency declared existing.

TITLE I

**SECTION 1.** The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Proclamations, etc., since March 4, 1933, concerning, validated. Proclamations, p. 2. Executive Order No. 6073, March 10, 1933; No. 6080, March 18, 1933; No. 6102, April 3, 1933; No. 6111, April 20, 1933.

**SEC. 2.** Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:

Trading with the Enemy Act, amended. Foreign exchange, export or boarding of coin, bullion, etc. Regulatory powers of President during national emergency. Vol. 40, pp. 415, 966, amended.

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, boarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned

Compulsory lending money, etc.

Punishment for violation.

ized as authorized by existing law: *Provided*, That the pay of the grades of general and lieutenant general shall be \$10,000 and \$9,000 a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War: *And provided*, That brigadier generals of the Army shall hereafter rank relatively with rear admirals of the lower half of the grade. And, hereafter, the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of major general.

Approved, October 6, 1917.

Promotes.  
Pay and allowances.

Brigadier generals to rank with rear admirals.  
Chiefs of bureaus, etc., made major generals.

CHAP. 106.—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

October 6, 1917.  
[H. R. 4950.]

[Public, No. 91.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act shall be known as the "Trading with the enemy Act."

Trading with the Enemy Act.

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Terms defined.  
"Enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

Persons residing in enemy country or trading therein.

Foreign corporations included.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

Government, official, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Other designated persons.

The words "ally of enemy," as used herein, shall be deemed to mean—

"Ally of enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

Persons residing, or trading, in country thereof.

Corporations.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

Government, official, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

Other designated persons.

12

ized as authorized by existing law: *Provided*, That the pay of the grades of general and lieutenant general shall be \$10,000 and \$9,000 a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War: *And provided*, That brigadier generals of the Army shall hereafter rank relatively with rear admirals of the lower half of the grade. And, hereafter, the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of major general.

Approved, October 6, 1917.

Previous.  
Pay and allowances

Brigadier generals to  
rank with rear admiral.

Chiefs of bureaus,  
etc., made major general.

CHAP. 106.—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

October 6, 1917.  
[H. R. 4960.]

[Public, No. 51.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act shall be known as the "Trading with the enemy Act."

Trading with the En-  
emy Act.

SEC. 2. That the word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Terms defined.  
"Enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

Persons residing in  
enemy country or trad-  
ing therein.

Foreign corporations  
included.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

Government, of-  
ficials, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Other designated per-  
sons.

The words "ally of enemy," as used herein, shall be deemed to mean—

"Ally of enemy."

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

Persons residing, or  
trading, in country  
thereof.

Corporations.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

Government, of-  
ficials, etc.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

Other designated per-  
sons.

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SEC. 5. (a) That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct.

Suspension of restrictions allowed for ally of enemy.

Licenses authorized. Arts. etc. included.

Act, pp. 413, 412.

Part, p. 420. Revocation, etc.

Delegation of power.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

Suspension of acts pending investigation.

(b) That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or import of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States); and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed.

Regulation, etc., of foreign exchange, coin exports, property transfers, etc. Part, p. 406.

Compulsory testimony.

SEC. 6. That the President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed \$5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act: *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law: *Provided further*, That the President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. Such report shall contain a list of all persons appointed or

Alien property custodian authorized.

Powers conferred.

Bond.

Administrative employees.

Prior Civil service eligibles to be used.

Detailed annual reports required.

"Person."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

"United States."

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

"Beginning of the war."

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

"End of the war."

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act.

"Bank or banks."

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

"To trade."

Paying, etc., debts.

The words "to trade," as used herein, shall be deemed to mean—  
(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

Making, etc., negotiable paper.

Contracts.

(b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

Property transactions.

(c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.

Business intercourse.

(d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

Acts unlawful.

Trading in United States with enemy or ally, or for benefit thereof, without a license.

(e) To have any form of business or commercial communication or intercourse with.

### SEC. 3. That it shall be unlawful—

(a) For any person in the United States, except with the license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act, to trade, or attempt to trade, either directly or indirectly, with, to, or from; or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

Transporting enemy or ally to or from United States without a license.

(b) For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place, any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

Unauthorized sending or receiving letters, except by mail.

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; and it shall be unlawful for any person to send, take, or transmit, or attempt to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of com-

Transmitting writing, plans, messages, etc., to enemy or ally.

(15)

munication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

*Proviso.*  
Allowed if license  
thereof obtained.

(d) Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act.

*Censoring for public  
safety of communica-  
tions to foreign coun-  
tries.*

*By vessels, etc.*

*Punishment for eva-  
sions, using codes, etc.*

*Post, p. 425.*

SEC. 4. (a) Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine: *Provided, however,* That reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company: *Provided further,* That no insurance company, organized within the United States, shall be obligated to continue any existing contract, entered into prior to the beginning of the war, with any enemy or ally of enemy insurance or reinsurance company, but any such company may abrogate and cancel any such contract by serving thirty days' notice in writing upon the President of its election to abrogate such contract.

*Enemy insurance  
companies, etc.  
To make applications  
for licenses to continue  
business in United  
States.*

*Character of license.*

*Revocation, etc.*

*Proviso.*  
Notice to other com-  
panies, of intent to re-  
fuse or revoke a license.

*Abrogation of con-  
tracts made before the  
war by American com-  
panies.*

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made by any enemy or ally of enemy insurance or reinsurance company, within such thirty days as above provided, the provisions of the President's proclamation of April sixth, nineteen hundred and seventeen, relative to agencies in the United States of certain insurance companies, as modified by the provisions of the President's proclamation of July thirteenth, nineteen hundred and seventeen, relative to marine and war-risk insurance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act, and pending the order of the President as herein provided, apply to any enemy or

*Temporary contin-  
uance of German insur-  
ance companies.*

*Post, pp. 1554, 1554.  
War-risk and marine  
provisions.*

*No license for pro-  
hibited business.*



Transmitting funds  
abroad, etc., unlawful.

Temporary continu-  
ance of other enemy  
business allowed.

Proviso.  
Transmitting funds  
abroad, unlawful.  
Act, p. 412.  
Post, p. 423.

Continuing business  
without license, unlaw-  
ful.

Act, p. 412.  
Post, p. 423.

Proviso.  
Payments on account  
of policies in force, etc.,  
permitted.

Existing insurance  
not vitiated.

Claims for insurance  
money held by custo-  
dian.

Suit authorized.

Post, p. 419.

Assuming name other  
than used prior to war,  
restricted.

Discretionary pro-  
hibition on all foreign  
insurance companies.

ally of enemy insurance or reinsurance company, anything in this Act to the contrary notwithstanding. It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment directly or indirectly of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of or for the benefit of such enemy or ally of enemy, anything in this Act to the contrary notwithstanding: *Provided, however,* That the provisions of sections three and sixteen hereof shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy.

If no license is applied for within thirty days after the passage of this Act, or if a license shall be refused to any enemy or ally of enemy, whether insurance or reinsurance company, or other person, making application, or if any license granted shall be revoked by the President, the provisions of sections three and sixteen hereof shall forthwith apply to all trade or to any attempt to trade with, to, from, for, by, on account of, or on behalf of, or for the benefit of such company or other person: *Provided, however,* That after such refusal or revocation, anything in this Act to the contrary notwithstanding, it shall be lawful for a policyholder or for an insurance company, not an enemy or ally of enemy, holding insurance or having effected reinsurance in or with such enemy or ally of enemy insurance or reinsurance company, to receive payment of, and for such enemy or ally of enemy insurance or reinsurance company to pay any premium, return premium, claim, money, security, or other property due or which may become due on or in respect to such insurance or reinsurance in force at the date of such refusal or revocation of license; and nothing in this Act shall vitiate or nullify then existing policies or contracts of insurance or reinsurance, or the conditions thereof; and any such policyholder or insurance company, not an enemy or ally of enemy, having any claim to or upon money or other property of the enemy or ally of enemy insurance or reinsurance company in the custody or control of the alien property custodian, hereinafter provided for, or of the Treasurer of the United States, may make application for the payment thereof and may institute suit as provided in section nine hereof.

(b) That, during the present war, no enemy, or ally of enemy, and no partnership of which he is a member or was a member at the beginning of the war, shall for any purpose assume or use any name other than that by which such enemy or partnership was ordinarily known at the beginning of the war, except under license from the President.

Whenever, during the present war, in the opinion of the President the public safety or public interest requires, the President may prohibit any or all foreign insurance companies from doing business in the United States, or the President may license such company or companies to do business upon such terms as he may deem proper.

(17)



SEC. 5. (a) That the President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct.

Suspension of restrictions allowed for ally of enemy.

Licenses authorized. Acts, etc., included.

Act, pp. 411, 412.

Part, p. 420. Revocation, etc.

Delegation of power.

If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him.

Suspension of acts pending investigation.

(b) That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or exportations of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States); and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed.

Regulation, etc., of foreign exchange, coin exports, property transfers, etc. Part, p. 956.

Compulsory testimony.

SEC. 6. That the President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed \$5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act. The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act: *Provided*, That such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law: *Provided further*, That the President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. Such report shall contain a list of all persons appointed or

Alien property custodian authorized.

Powers conferred.

Bond.

Administrative employment.

Personnel. Civil service eligibles to be used.

Detailed annual reports required.

(18)

employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof.

Corporations, etc., to  
transmit list of stock-  
holders, etc., believed  
to be enemies.

Details.

SEC. 7. (a) That every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act, and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest.

List of stock owned  
February 3, 1917.

Standing in name of  
another.

Proviso.  
Erroneous names to  
be stricken off.

Holders of property  
of, or debtors to, per-  
sons believed to be  
enemies, to submit list  
of names, etc.

Exceptions, etc.

Held, etc., February  
3, 1917.

Proviso.  
Erroneous names to  
be stricken off.

Extension of time.

Unauthorized trading  
with an enemy  
since beginning of the  
war, is valid.

The President may also require a similar list to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, association, company, or trustee has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another: *Provided, however,* That the name of any such officer, director, or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy.

Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts so owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen: *Provided,* That the name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days.

(b) Nothing in this Act contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf of, for the benefit of an enemy performed or engaged in since the beginning of the war and prior to the passage of this Act, or any such act:

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or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law. No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof, made after the passage of this Act, and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act, the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof: *Provided*, That nothing in this Act contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out, completion, or performance otherwise than by release from obligation thereunder.

Nothing in this Act shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof: *Provided*, That such payment shall not be made without the license of the President, general or special, as provided in this Act.

Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof: *Provided, however*, That an enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect: *And provided further*, That an enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him.

Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. In any prosecution under section sixteen hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy

No legal right conferred by acts, etc. hereafter without license.

Act, p. 412

By assignment, etc. unless prior to war or under license.

Payments unlawful.

*Proviso.*  
Completion of contracts assigned prior to war to other than enemy allowed.

Payment permitted of money of enemy received prior to the war.

*Proviso.*  
License required.

No legal action allowed enemy prior to end of war.  
Exception.  
Post, p. 420.  
*Proviso.*  
Under license in United States permitted.

Counsel allowed.

Notice that person is an enemy admitted as evidence in prior contracts suits.

In criminal actions.  
Post, p. 412.



or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof.

Money, etc., of un-  
licensed enemy to be  
conveyed, etc., to cus-  
todian.  
Act, p. 1020.

(c) If the President shall so require, any money or other property owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian.

Payment of debts,  
etc., due unlicensed  
enemy may be made to  
custodian.

(d) If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe.

No legal liability for  
acts hereby authorized.

(e) No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act.

Payments, convey-  
ances, etc., to custodian  
a full discharge of obli-  
gation.

Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States.

Execution of release,  
etc.

Delivery of notes,  
etc., by custodian.

Certificate of author-  
ity.

Legal effect as evi-  
dence.

Mortgages, etc., of  
enemy terminable on  
notice, demand, etc.

Contracts terminable  
on notice, etc.

Disposal of property  
after default, etc., by  
notice to custodian.

SEC. 8. (a) That any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property of an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice



or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally: *Provided*, That no such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required: *Provided further*, That if, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order.

Effect.

*Proviso.*  
Limitation on notice, etc., requirements.

Disposal of surplus after satisfaction, etc.

(b) That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract.

Abrogation of contracts made prior to the war with an enemy, of American products, etc.

Notice to custodian.

(c) The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation: *Provided, however*, That nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law.

Statutes of limitation suspended as to contracts for paying notes, etc., of enemies abroad.

*Proviso.*  
Other suspensions not affected.

SEC. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may, with the assent of the owner of said property and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment or delivery to said claimant of the money or other property so held by the alien property custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title

Claims by other than enemies against property held by custodian.

President may order payment, conveyance, etc.

*Proviso.*  
Rights against claimants not barred.

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Suit allowed after the war to establish interest, etc.

Retention of property until judgment, etc.

No other lien enforceable.

Exception. *infra*.

Acts permissible.

Applications for United States patents, copyrights, etc., by an enemy.

Extension of time. Vol. 39, p. 516.

Condition.

Patent fees, etc., permitted citizens, etc., to enemy country.

Applications may be filed.

License required, etc.

Manufacturing, etc., under patents, etc., owned by enemy.

or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application, or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated.

Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

This section shall not apply, however, to money paid to the alien property custodian under section ten hereof.

SEC. 10. That nothing contained in this Act shall be held to make unlawful any of the following Acts:

(a) An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

(b) Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President.

(c) Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted

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matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trade-mark, print, label or copyrighted matter. The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding \$100, and not exceeding one per centum of the fund deposited as hereinafter provided. Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.

(d) The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter, or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subdivision (f) of this section, or upon the direction of the alien property custodian.

(e) Unless surrendered or terminated as provided in this Act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions of this Act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him.

(f) The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter: *Provided, however*, That whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit: *Provided further*, That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree,

Issue of license permitting.

Conditions, etc.

Fees, etc.

Legal effect of license.

*Infra.*

Full statement from licensee of use, etc.  
Payments to custodian of royalties, etc.

Moneys to constitute a trust fund.

Payments from fund.  
*Infra.*

Duration of licenses.

Cautioned for violations.

Owner may bring suit at end of war for royalties, etc.

Procedure.  
Notice to custodian in advance.

Procedure, etc.

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when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease.

**Effect of payment.** If suit is brought as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

**Balance to licensee.** (g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this Act to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war: *Provided*, That no final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal courts.

**Return of deposit, etc., if no suit brought.** (h) All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

**No deposits after entry of suit, etc.** (i) Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of Patents that, in violation of said order, said invention has been published or that an application for a patent therefor has been filed in any other country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President.

**Termination of license, etc., by court.** When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.

**Continuance under royalties, etc.** SEC. 11. Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the

**Enemy owner may sue other than licensee to enjoin infringements.**

**Provide. Advance notice to custodian.**

**Powers of attorney for legal acts, valid.**

**Patents may be withheld if disclosing invention detrimental, etc. *Act, p. 394.***

**Provide. Held abandoned if published by inventor, etc.**

**Compensation if patented invention tendered to the Government. Suit authorized.**

**Importing articles designated unlawful by proclamation. Exceptions, etc.**

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President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

SEC. 12. That all moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury.

All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as hereinafter provided; and the President is authorized to designate as a depository, or depositories, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depository or depositories, located and doing business in the United States. The alien property custodian may deposit with such designated depository or depositories, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depository or depositories shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depository or by the alien property custodian into the Treasury of the United States as hereinbefore provided.

The President shall require all such designated depositories to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.

The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which shall come into his possession in pursuance of the provisions of this Act, and, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, may manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights which may be or become appurtenant thereto or to the ownership thereof, if and when necessary to prevent waste and protect such property and to the end that the interests of the United States in such property and rights or of such person as may ultimately become entitled thereto, or to the proceeds thereof, may be preserved and safeguarded. It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him.

Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by

Ports.  
No port preference.

Moneys received by  
custodian to be deposited  
in the Treasury.  
Investment, etc.

Disposal of other enemy  
property.

Depositories for, to  
be designated.

Classes of property  
designated.

Collection of dividends,  
etc.

Deposit of moneys.

Bonds from depositories.

Custodian trustee of  
property other than  
money.  
Part, p. 460.

Ownership, management,  
etc.

Enemy stock to be  
transferred to custodian.

Deposit of receipts.

Payment to Treasury  
in order of custodian.

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written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian.

Claims for money,  
etc., after the war to be  
settled by Congress.

Proviso.  
Payment on order of  
the President, or of the  
court.  
A. C. pp. 419, 420.

Repayment to licen-  
sees of patents, etc.

A. C. p. 420.

Shipping manifests,  
etc.  
R. S., secs. 4197, 4198,  
4200, pp. 609, 610.  
A. C. p. 222.

Additional sworn  
statements of no illegal  
shipments.  
By master.

By shipper.

Details.

Copy to consul on  
reaching port.

Departure forbidden  
if manifest, etc., be-  
lieved false.

Each export of coin,  
etc., to be reported.  
Details.

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct: *Provided, however,* That on order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court: *And provided further,* That the Treasurer of the United States, on order of the alien property custodian, shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee.

SEC. 13. That, during the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen, to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act, and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's, shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen.

SEC. 14. That, during the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the President to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart.

The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the col-

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lector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy.

SEC. 15. That the sum of \$450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing.

Appropriation for salaries, expenses, etc.

SEC. 16. That whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

Penalty for violating provisions, licenses, regulations, etc.

Punishment for natural persons.

Forfeiture of property, etc.

SEC. 17. That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act, with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary."

Jurisdiction of district courts.

Appeals, etc.  
Vol. 36, pp. 1133, 1157.

SEC. 18. That the several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act are hereby extended to the Philippine Islands and to the Canal Zone.

Jurisdiction of courts of Philippine Islands and Canal Zone.

Conspiracies, etc.  
Vol. 35, p. 1096.

SEC. 19. That ten days after the approval of this Act and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has

Printing, etc., in foreign language, matter respecting Government policies, etc., unlawful.

*Proviso:*  
Not applicable if sworn translation filed with postmaster, and printed therewith.

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caused to be printed, in plain type, in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at \_\_\_\_\_ on \_\_\_\_\_ (naming the post office where the translation was filed, and the date of filing thereof) as required by the Act of \_\_\_\_\_ (here giving the date of this Act).

Matter nonmailable otherwise.

Circulating nonmailable matter unlawful. Act, p. 230.

Permits. Permits to print, etc., in foreign language, if not detrimental to Government, may be issued.

Posting of permits in post offices.

Printed notice in English on publication.

Punishment for false translations, etc.

Vol. 23, p. 1111.

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen: *Provided further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of \_\_\_\_\_ (here giving date of this Act), on file at the post office of \_\_\_\_\_ (giving name of office)."

Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association, violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than \$500, or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.

Approved, October 6, 1917.

October 4, 1917.  
[S. J. Res. 58.]  
[Pub. Res. No. 14.]

CHAP. 107.—Joint Resolution To authorize the Secretary of Interior to expend funds in New Mexico and Texas for drainage purposes.

Irrigation.  
Rio Grande project,  
N. Mex.-Tex.  
Act, p. 148,  
amended.  
Drainage expenditures allowed.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That in order to provide for immediate and necessary drainage of lands in the Rio Grande reclamation project, New Mexico and Texas, the provisions of the sundry civil act, approved June twelfth, nineteen hundred and seventeen, as far as applicable to said project, are hereby modified and amended so as to authorize and permit the Secretary of the Interior to expend not exceeding \$15,000 in drainage work upon that portion of the project located within the State of New Mexico pending the formation of an irrigation district covering the lands within New Mexico under this project, and to expend upon that portion of the project located within the State of Texas such amount, within the limit of available appropriations, as the existing irrigation district may obligate itself to repay.

Approved, October 6, 1917.

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## PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

## UNITED STATES OF AMERICA

*Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAYNE, Speaker of the House of Representatives.

## [CHAPTER 1.]

## AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.

[H. R. 1091.]

[Public, No. 1.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.*

National bank-  
ing system.  
Emergency declared  
existing.

## TITLE I

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Proclamations, etc.,  
since March 4, 1933,  
concerning, validated.  
Proclamations, p. 2.  
Executive Order No.  
6073, March 18, 1933;  
No. 6080, March 18,  
1933; No. 6102, April 3,  
1933; No. 6111, April  
20, 1933.

SEC. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:

Trading with the  
Enemy Act, amended.  
Foreign exchange, ex-  
port or boarding of  
coin, bullion, etc.  
Regulatory powers of  
President during na-  
tional emergency.  
Vol. 40, pp. 43, 966,  
amended.

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, boarding, melting, or ear-marking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned

Compulsory testi-  
mony, etc.

Punishment for vio-  
lation.

Emergency Banking Act or Bank Conservation Act. 48 Stat. 1. That Act provided that the actions and proclamations "heretofore or hereafter taken . . . or issued by the President of the United States . . . since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed." (48 Stat. 1; 12 U.S.C. 95b (1970)). Congress thus "spread its protective approval over executive acts the legality of which was uncertain." Ellingwood, *op. cit. supra* at 27 Nw. U.L. Rev. 929 (1933). Congress also amended Section 5(b) to provide, among other things, that "[d]uring time of war or during any other period of national emergency declared by the President, the President may . . . regulate, under such rules and regulations as he may prescribe . . . transfers of credit between or payments by banking institutions, as defined by the President. . . ." 48 Stat. 1. In the enactment clause Congress declared "that a serious emergency exists." 48 Stat. 1. The exclusion of domestic transactions, formerly found in the Act, was deleted from § 5(b) at this time.

The legislative history of the Emergency Banking Act is short; only eight hours elapsed from the time the bill was introduced until it was signed into law. There were no committee reports. Indeed, the bill was not even in print at the time it was passed. 77 Cong. Rec. 76, 80 (1933); Schlesinger, *The Coming of the New Deal* 8.

The abbreviated history shows Congress recognized that the powers conferred on the President by the Act were great. In the debate preceding the bill's passage those supporting it made such remarks as:

. . . in time of storm there can only be one pilot. In my judgment, the House of Representatives realize that the pilot in this case must be the President of the United States, and they will steer their course by him (Rep. Goldsborough, 77 Cong. Rec. 81).

It is a dictatorship over finance in the United States. It is complete control over the banking system in the United States. (Rep. McFadden, 77 Cong. Rec. 80).

I realize that in time of peace we have perhaps never been called upon to vest such transcendent powers in the Executive as are provided for in this bill. . . . It is an emergency which can be adequately dealt with only by the strong arm of Executive power, and therefore I expect to vote for the bill, though it contains grants of powers which I never before thought I would approve in time of peace. (Sen. Connally, 77 Cong. Rec. 65).

The courts later upheld the validity of the bank holiday under the Act, as amended. *E.g., Smith v. Witherom*, 102 F. 2d 638, 641 (3d Cir., 1939); *Hardee v. Washington Loan & Trust Co.*, 91 F. 2d 311 (D.C. Cir., 1937). Because of the prompt action taken by Congress in ratifying the March 6 proclamation, no judicial decisions were rendered on the question of whether the President's action, if taken alone, would have been lawful.

[Emphasis supplied.]

Subsequently in 1933-34, acting under § 5(b), President Roosevelt issued a series of orders which prohibited the hoarding of gold and directed that all gold bullion certificates be deposited with the Federal Reserve Banks and which regulated transactions in foreign exchange:

(1) Executive Order 6073 of March 10, 1933, prohibited the export or removal of gold from the United States, except as authorized by the Secretary of the Treasury, and banks were prohibited from making transfers of foreign exchange except in connection with certain described transactions. This order did not specifically refer to a national emergency.

(2) Executive Order 6102 of April 5, 1933, generally required holders of gold coin, gold bullion, and gold certificates to surrender their holdings to Federal Reserve Banks. This Order stated "By virtue of the authority vested in me by Section 5(b) . . . as amended by Section 2 of the Act of March 9, 1933, . . . in which amendatory Act Congress declared that a serious emergency exists, I . . . do declare that said national emergency still continues to exist."

(3) Executive Order 6111 of April 20, 1933, authorized the Secretary of the Treasury to regulate transactions in foreign exchange and the export or withdrawal of currency from the United States. The emergency basis for E.O. 6111 was stated in the same language as the language of E.O. 6102, quoted immediately above.

(4) Executive Order 6260 of August 28, 1933, was issued to supplant Executive Orders 6102 and 6111. This order prohibited the holding or export of gold, except under license issued by the Secretary of the Treasury, and authorized the Secretary to regulate or prohibit transactions in foreign exchange. In E.O. 6260 the President stated "I . . . do declare that a period of national emergency exists." Executive Order 6260 was confirmed and amended by Presidents Eisenhower and Kennedy. 31 CFR Part 51. See 42 Op. A.G. No. 35, p. 9.

(5) Executive Order 6560 of January 15, 1934, authorized the Secretary of the Treasury to regulate transactions in foreign exchange, transfers of credit from American to foreign banks and export of currency or silver coin. This order is still on the books today. See 31 CFR Parts 127-128. In this Order, the President declared that "a period of national emergency continues to exist."

In January 1934 Congress ratified all acts which had been performed under the Emergency Banking Act. 48 Stat. 343 (1934); 12 U.S.C. 213 (1970).

### III.

#### WORLD WAR II ALIEN PROPERTY FREEZE

Following the invasion of Norway and Denmark by Germany in April 1940 President Roosevelt acted to protect funds of residents of these countries in the United States from withdrawal under duress

237 250 U. S. 387, 392-393. The cases cited as making for a different conclusion respecting the Secretary's discretion were examined and that view of them rejected in *Weyerhaeuser v. Hoyt*, 219 U. S. 350, 357-358, and *Daniel v. Wagner*, 237 U. S. 547, 557-561. In the *Weyerhaeuser* case it was held that the authority conferred on the Secretary respecting the selection of indemnity lands "involved not only the power but implied the duty to determine the lawfulness of the selections as of the time when the exertion of the authority was invoked by the lawful filing of the list of selections."

As before shown, this indemnity selection was made in full compliance with the directions promulgated by the Secretary, was of lands subject to selection, and was based on actual losses in the place limits adequate to sustain it. The railroad then had been constructed and equipped as required by the granting act and nothing remained to be done by the grantee or its successor to fulfil the conditions of the grant and perfect the right to a patent. The rule applicable in such a situation is that "a person who complies with all the requisites necessary to entitle him to a patent for a particular lot or tract is to be regarded as the equitable owner thereof." *Wirth v. Branson*, 98 U. S. 118, 121; *Benson Mining Co. v. Alta Mining Co.*, 145 U. S. 423, 432. This rule has been applied and enforced where the Secretary through an error of law declined to approve and give effect to lawful selections and certified the lands for the use of another claimant,—the court saying that the Secretary could not thus deprive the selecting company of "rights which became vested by its selection of those lands." *St. Paul & Sioux City R. R. Co. v. Winona & St. Peter R. R. Co.*, 112 U. S. 720.

The act under which the subsequent power-site withdrawal was made is confined to "public lands," a term uniformly regarded as not including lands to which rights have attached and become vested through full compliance with an applicable land law. *Newhall v. Senger*, 92 U. S. 761, 763; *Minnesota v. Hitchcock*, 185 U. S. 373, 391; *United States v. Hemmer*, 241 U. S. 379, 385-386. Besides, to apply the act to the lands in question, lawfully earned and selected as they were, would work such an interference with private rights as plainly to require that it be construed as not including them. *Wilcox v. Jackson*, 13 Pet. 498, 513; *Lyle v. Arkansas*, 9 How. 314, 333, 335; *Sinking-Fund Cases*, 99 U. S. 700, 718-719; *United States v. Jin Fwy Moy*, 241 U. S. 394, 400.

We are asked to say that this is a suit against the United States and therefore not maintainable without its consent, but we think the suit is one to restrain the appellants from canceling a valid indemnity selection through a mistaken conception of their authority and thereby casting a cloud on the plaintiff's title. *Bellinger v. Frost*, 216 U. S. 240; *Philadelphia Co. v. Stimson*, 223 U. S. 603, 619-620; *Lowe v. Webb*, 224 U. S. 505, 540.

Our conclusion is that in giving effect to the withdrawal as against the prior selection, which admittedly was valid when made, the appellants departed from a plain official duty and that to avoid the resulting injury to the plaintiff, for which no other remedy is available, an injunction should issue directing a disposal of the selection on its merits unaffected by the withdrawal. Such an injunction, we think, is better suited to the occasion than that indicated by the Court of Appeals. In other respects the decree of that court is

AS—

STOEHR, SUTING IN HIS OWN BEHALF AS A STOCKHOLDER IN STOEHR & SONS, INC., ETC. v. WALLACE ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

No. 846. Argued January 4, 6, 1921.—Decided February 26, 1921.

1. The Trading With the Enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." Const. Art. I, § 8, cl. 11. P. 241.

2. Under § 7c of the act, as qualified by § 5, the power vested in the President to determine enemy ownership, precedent to a seizure of property, may be delegated by him to the Alien Property Custodian, whose determination then becomes in effect the act of the President. P. 244.

3. The provision made for *ex parte* executive seizure, without prior judicial determination of enemy ownership, does not violate the rights of the owner, if a citizen, under the due process clause of the Fifth Amendment, since ample provision is also made whereby any claimant who is neither an enemy nor an ally of an enemy may establish his right in a court of equity and compel a return of the property if wrongly sequestered. P. 245.

4. A transfer of shares upon the books of the corporation to the name of the Custodian is a proper incident to their effective seizure by him. P. 246.

5. A contract between a German corporation and a New York corporation, made in anticipation of this country's entry into the World War, whereby certain corporate shares in another domestic corporation, owned by the German corporation, were in purport sold to the New York corporation and were transferred to the latter on the books of the third company, not as a genuine business transaction but as a mere cover to avoid inconveniences of a state of war and with no intent to change the beneficial ownership, held not to have passed any interest entitling the New York corporation, or a stockholder asserting its rights, to demand release of such shares from seizure by the Alien Property Custodian. Pp. 246-251.

6. The provisions of the Treaty with Prussia of July 11, 1795, Arts. 23, 24, & Stat. 174, granting rights to the merchants of either country "residing in the other," when war arises, held inapplicable. P. 251.

7. Objection to a proposed sale by the Alien Property Custodian cannot be heard from one who has no interest in the property. *Id.* 269 Fed. Rep. 827, affirmed.

THE case is stated in the opinion.

Mr. Louis Marshall, with whom Mr. Louis J. Vorhaus was on the brief, for appellant.

The Solicitor General and Mr. George L. Ingraham for Francis P. Garvan, individually and as Alien Property Custodian, appellee.

Mr. John Quinn, with whom Mr. Paul Kiefer was on the brief, for Botany Worsted Mills and its directors, and Stoehr & Sons, Inc., and its directors, appellants.

MR. JUSTICE VAN DEVANTER delivered the opinion of the court.

This is a suit to establish a claim to and prevent a sale of 14,900 shares of the capital stock of the Botany Worsted Mills, a New Jersey corporation, which were seized by the Alien Property Custodian under the Trading With the Enemy Act as the property of a German corporation called Kammergarnspinnerei Stoehr & Co., Aktiengesellschaft. The plaintiff is a citizen of the United States, residing in New York, and sues in the right of Stoehr & Sons, Inc., a New York corporation, of which he is a stockholder, his asserted justification for so suing being that the directors of the corporation are agents of the Alien Property Custodian and so far under his control that it would be useless to request them to bring the suit.

The grounds for relief urged in the bill are that the shares, although seized and proposed to be sold to the

EXHIBIT 3

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141 property of the German corporation, are in truth the property of the New York corporation; that, even if it does not own them, it has a substantial interest in them under a pre-war contract between it and the German corporation; that the shares cannot be taken from it consistently with due process of law as guaranteed by the Fifth Amendment, save through a judicial proceeding wherein it has a right and an opportunity to be heard; that the shares were seized and are about to be sold without any such proceeding or hearing, and in violation of subsisting treaty provisions; and that the seizure as made did not conform to designated provisions of the Trading with the Enemy Act, and the sale as proposed will not be in accord with other provisions of the act.

After a full hearing the District Court overruled the objections urged against the initial seizure; found from the proofs that the German corporation was the beneficial owner, that the New York corporation had no actual interest in the shares, and that the contract between those corporations, stressed by the plaintiff, "was not intended to represent the real purpose of the parties at all, but to serve as a cover for another purpose"; and as a result of the findings the court held that neither the plaintiff nor his corporation was entitled to any relief, and accordingly dismissed the bill. The plaintiff then asked and was allowed a direct appeal to this court. His assignments of error cover all the grounds on which the seizure and proposed sale were attacked in the bill.

We shall assume, as did the District Court, that a stockholder may bring a suit such as this in the right of his corporation, where there are circumstances justifying such representative action, and that the plaintiff has shown sufficient reason for suing in that capacity. See Eq. Rule 27, 226 U. S., Appendix, p. 8.

242 The Trading with the Enemy Act, whether taken as originally enacted, October 6, 1917, c. 106, 40 Stat. 411, or as since amended, March 28, 1918, c. 28, 40 Stat. 459, 460; November 4, 1918, c. 201, 40 Stat. 1020; July 11, 1919, c. 6, 41 Stat. 35; June 5, 1920, c. 241, 41 Stat. 977, is strictly a war measure and finds its sanction in the constitutional provision, Art. I, § 8, cl. 11, empowering Congress "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." *Brown v. United States*, 8 Cranch, 116, 126; *Miller v. United States*, 11 Wall. 268, 305.

It is with parts of the act which relate to captures on land that we now are concerned. They invest the President with extensive powers respecting the sequestration, custody and disposal of enemy property. By § 5 he is in terms authorized to exercise "any" of these powers "through such officer or officers as he shall direct." By § 6 he is authorized to appoint and "prescribe the duties of" an officer to be known as the Alien Property Custodian. By § 7c, as amended November 4, 1918, direct provision for sequestering enemy property is made as follows:

"If the President shall so require any money or other property including . . . choses in action, and rights and claims of every character and description owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or the same may be seized by the Alien Property Custodian; and all property thus acquired shall be held, administered and disposed of as elsewhere provided in this Act.

"Whenever any such property shall consist of shares of stock or other beneficial interest in any corporation,

243 association, or company or trust, it shall be the duty of the corporation, association, or company or trustee or trustees having such shares or any certificates or other instruments representing the same or any other beneficial interest to cancel upon its, his, or their books all shares of stock or other beneficial interest standing upon its, his, or their books in the name of any person or persons, or held for, on account of, or on behalf of, or for the benefit of any person or persons who shall have been determined by the President, after investigation, to be an enemy or ally of enemy, and which shall have been required to be conveyed, transferred, assigned, or delivered to the Alien Property Custodian or seized by him, and in lieu thereof to issue certificates or other instruments for such shares or other beneficial interest to the Alien Property Custodian or otherwise, as the Alien Property Custodian shall require.

"The sole relief and remedy of any person having any claim to any money or other property heretofore or hereafter conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him shall be that provided by the terms of this Act, and in the event of sale or other disposition of such property by the Alien Property Custodian, shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States."

By § 9, as twice amended, any one, "not an enemy or ally of enemy," claiming any interest, right or title in any money or other property so sequestered and held may give notice of his claim and institute a suit in equity against the Custodian or the Treasurer, as the case may be, to establish and enforce his claim; and where suit is brought the money or property is to be retained by the Custodian or in the Treasury to abide the final decree. By § 12, as amended March 28, 1918, the Custodian is clothed with "all of the powers of a common-law trustee" 244 in respect of all enemy property coming into his hands and is given authority, subject to the President's supervision, to manage and dispose of the same, by sale or otherwise, as if he were the absolute owner, save as the power of disposal may be suspended by a suit under § 9. As respects the ultimate disposition of the property or its proceeds § 12 says: "After the end of the war any claim of an enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct."

The President, by orders of October 12, 1917, and February 25, 1918, committed to the Alien Property Custodian the executive administration of § 7c, including the power to determine after investigation whether property was enemy-owned, etc., and to require the surrender or seizure of such as he should determine was so owned. In exercising this power the Custodian after investigation determined, in substance, that the shares now in question, which then stood in the name of the New York corporation on the books of the Botany Worsted Mills, belonged to the German corporation, that it was an enemy not holding a Presidential license, and that the New York corporation held the shares for its benefit; and in further exercising this power the Custodian seized the shares and required the Botany Worsted Mills to transfer them to his name on its books in accordance with the provision in § 7c before quoted.

One objection urged by the plaintiff is that the seizure permitted by the act is confined to money or property "which the President after investigation shall determine" is enemy-owned, etc., and that here there was no such determination by the President, but only by the Custodian. Whether the objection would be good if it turned entirely on the words of § 7c, on which the plaintiff relies, we need



245 not consider; for they obviously are qualified and explained by § 5, which very plainly enables the President to exercise his power under § 7c "through such officer or officers as he shall direct." By the orders already noticed the President directed that this power be exercised through the Alien Property Custodian. It therefore is as if the words relied on had been "which the President, acting through the Alien Property Custodian, shall determine after investigation" is enemy-owned, etc. In short, a personal determination by the President is not required; he may act through the Custodian, and a determination by the latter is in effect the act of the President. *Central Union Trust Co. v. Gerson*, 254 U. S. 534; *The Confiscation Cases*, 20 Wall. 92, 109.

The plaintiff further objects that the shares, although claimed by and standing in the name of the New York corporation, which concededly was neither an enemy nor an ally of an enemy, were seized and transferred to the name of the Alien Property Custodian in virtue of a determination by an executive officer in an *ex parte* administrative proceeding that they belonged to an alien enemy,—the gist of the objection being that the shares could not be taken from the New York corporation consistently with due process of law without first according it a hearing on its claim in a court of justice. The objection rests on erroneous assumptions and is not tenable.

That Congress in time of war may authorize and provide for the seizure and sequestration through executive channels of property believed to be enemy-owned, if adequate provision be made for a return in case of mistake, is not debatable. *Central Union Trust Co. v. Gerson*, *supra*. There is no warrant for saying that the enemy ownership must be determined judicially before the property can be seized; and the practice has been the other way. The present act commits the determination of that question to the President, or the representative through whom he acts, but it does not make his action final. On the contrary, it distinctly reserves to any claimant who is neither an enemy nor an ally of an enemy a right to assert and establish his claim by a suit in equity unembarrassed by the precedent executive determination. Not only so, but pending the suit, which the claimant may bring as promptly after the seizure as he chooses, the property is to be retained by the Custodian to abide the result and, if the claimant prevails, is to be forthwith returned to him. Thus there is provision for the return of property mistakenly sequestered; and we have no hesitation in pronouncing it adequate, for it enables the claimant, as of right, to obtain a full hearing on his claim in a court having power to enforce it if found meritorious.

That the shares were transferred to the Custodian's name does not affect the question, for, considering the nature of the property, that was but an incident of an effective seizure and, if a return of the shares were ordered, a re-transfer would follow as of course.

246 Treating this as a suit under § 9,—the plaintiff having filed a notice of claim under that section,—the next question is, has the New York corporation such an interest in the shares as entitles it, or the plaintiff in its right, to demand that they be freed from the seizure. Whether it has any interest turns on the effect to be given to the contract between it and the German corporation, under which the plaintiff insists it became the owner or acquired a substantial interest. The District Court, as we have indicated, found that the contract was not intended to affect the ownership as between the two corporations, but to serve as a cover for something else, and that after the contract the German corporation remained, as it had been before, the sole beneficial owner. The facts bearing on the question are as follows:

At the beginning of the World War and during its early stages the Stoehr family, consisting of a father and three

247 sons, were engaged in business in New York as copartners under the name of Stoehr & Sons. The father and one son were German subjects residing in Germany; one son, Hans E. Stoehr, was a German subject residing in the United States, and the remaining son, Max W. Stoehr, was a naturalized citizen of the United States residing therein. All were shareholders in the German corporation and the father and son in Germany were among its chief officers. All were directors of the Botany Worsted Mills, and Hans E. Stoehr and Max W. Stoehr were directing and controlling its affairs, one being its treasurer and the other its secretary. It was a manufacturing concern with large holdings, had a well-established and extensive business, had been paying large dividends and gave promise of continuing to do so. The German corporation acquired the 14,900 shares in that company long prior to the war, and in 1915, after the war became rampant in Europe, transferred them to Hans E. Stoehr and Max W. Stoehr to be held in trust for it as the beneficial owner. Stoehr & Sons, the copartnership, also had 5,600 shares in that company, and these with the 14,900 constituted a majority of its stock.

Diplomatic relations between the United States and Germany were severed February 3, 1917, and, as was commonly understood, war between them was then imminent. The Stoehrs took that view and began to adjust their affairs accordingly. They caused the New York corporation to be organized, and on February 19, 1917, transferred to it the entire assets and business of their copartnership, taking in exchange all of its capital stock and putting the same in a five-year voting trust as a means of protecting and preventing a severance of their interests. On the following day, February 20, 1917, the contract relating to the 14,900 shares in the Botany Worsted Mills was made and the shares were immediately transferred on its books to the name of the New York corporation. In that transaction Hans E. Stoehr acted for the German corporation and the directors of the New York corporation for it,—the directors being Hans E. Stoehr, Max W. Stoehr, George G. Roehlig and Alfred de Liagre, the last two being relatives of the Stoehrs. The attorney who had advised and assisted them in transferring the copartnership assets and business also advised and assisted them in this. The shares were worth approximately \$5,000,000; and yet the initial payment was only \$5,000, and even that was paid by mere book entries. The full stipulated price was the book value of the shares, with good will and other intangible assets eliminated, and was payable in five future annual instalments. The stock certificates, transferred as just stated, were left in the custody of the German corporation as collateral security. If payment was not made when due, nor within sixty days after demand, the shares were to be re-transferred, the \$5,000 was to be retained by the German corporation and neither corporation was to have "any further claim against the other" by reason of the contract. Possibly the stipulated price was less than the actual value; but, however this may have been, the assets and situation of the New York corporation were such that it reasonably could not have been expected to make the required payments.

After the contract the dividends accruing on the shares were not paid to the New York corporation, but were credited to it in a "special" account on the books of the Botany Worsted Mills, this being directed by Hans E. Stoehr, president of the former and treasurer of the latter.

War was declared by Congress April 6, 1917, 40 Stat. 1; and the Trading with the Enemy Act was passed October 6th following. Up to the latter date no preparation was made for making the first payment under the contract although it was to be about \$1,000,000. Under the act it became the duty of every domestic corporation to report fully whether it owed any money to or held any property

249 for an enemy, and also whether any of its shares were owned by or held for an enemy. In the report of the New York corporation, signed by Max W. Stoehr, the 14,900 shares covered by the contract were not reported as held for the German corporation, nor was the stipulated price or any part thereof reported as owing to that corporation. But in the report of the Botany Worsted Mills, signed by Thomas Prehn, it was said that that company had "reason to believe" that the German corporation had an interest in the shares. This led to an insistent call for full information and resulted in some correspondence and several conferences at the Alien Property Custodian's office, in all of which Herbert Heyn represented the New York corporation and the Botany Worsted Mills,—he being the attorney who had advised and assisted the Stoehrs in adjusting their copartnership affairs and in making the contract. February 5, 1918, while Heyn was attending one of the conferences, Hans E. Stoehr, as president of the New York corporation and treasurer of the Botany Worsted Mills, sent to him, for use at the conference, a list of the latter company's stockholders, in which the German corporation was described as having 14,900 shares and the New York corporation as having only 5,685. In an accompanying letter he said, "the majority of the stock of the Botany Worsted Mills . . . is held by parties who are alien enemies,"—a statement which was true if the 14,900 shares belonged to the German corporation, and not true if they belonged to the New York corporation. Four days later Heyn, with the approval in writing of Hans E. Stoehr as such president and treasurer, wrote to the Alien Property Custodian, saying of the purpose with which the New York corporation was formed: "The immediate occasion for the organization of the corporation in February, 1917, was this: It was assumed that if there was a declaration of war between the United States and Germany, the partnership [of Stoehr & Sons] would probably have to cease,

250 being dissolved by reason of the alien enemy character of Eduard Stoehr, the father, and Geo. Stoehr, the brother, the results of such dissolution being of course obviously unfortunate and conceivably disastrous"; and saying of the 14,900 shares: "Regarding the contract for the purchase of said 14,900 shares by Stoehr & Sons, Inc., from Stoehr & Co., of Leipzig, Germany, it has been fully explained that the control of Botany might be imperiled by a state of war, because the voting right on stock of alien enemies or in which alien enemies had the beneficial interests (as was the case with said 14,900 shares) was doubtful under the decisions of the courts, and if deprived of the voting right, the control of Botany might be lost. This contract was made with reference to the control of Botany as between its stockholders and had of course no reference to the status of such control so far as the Alien Property Custodian is concerned. Such status is not affected whether such shares are in Stoehr & Co., the Leipzig corporation, or in Stoehr & Sons, Inc., the New York corporation. . . . While Botany is managed in this country, considerably more than a majority of its stock is controlled by alien enemy interests."

Max W. Stoehr, the plaintiff, was a director and the secretary of the New York corporation from the time it was organized until October 14, 1918. He participated in making the contract relating to the 14,900 shares and signed it as secretary. The shares were seized in April, 1918, and he knew of the seizure. The other directors at that time were few. He regularly attended their meetings, but did not suggest to them that the corporation had an interest in the shares. At a meeting in August, 1918, an attorney who had been looking into the contract made an oral report, in the course of which he called in question the purpose with which the contract was made and said it "would not hold water." Max W. Stoehr, although present, said nothing in support of the contract. Not until he

251 ceased to be an officer of the corporation did he manifest any opposition to the seizure. His only explanation of his silence while he remained a director is that he feared he would lose that position if he took any other course.

The District Court, after reviewing the proofs at length, concluded that the contract was not prompted by commercial motives, nor based on an estimate of mutual advantages, and was not intended as a genuine business transaction, but was made to avoid inconveniences which otherwise might ensue from a state of war; and that the parties intended to leave the beneficial ownership in the German corporation and not to pass it to the New York corporation. We reach the same conclusion. On no other theory can the acts of those who were concerned be explained or their declarations reconciled. The mere recitation of the facts makes this so plain that we refrain from any special discussion of them.

The treaty provisions relied on (Articles 23 and 24, § Stat. 174) relate only to the rights of merchants of either country "residing in the other" when war arises, and therefore are without present application.

Of the objections specially directed against the proposed sale, it is enough to observe that as the New York corporation does not own or have any interest in the shares it is not in a position to criticize or attack the sale; and of course a stockholder suing in its right is in no better position.

*Decree affirmed.*

ST. LOUIS, IRON MOUNTAIN & SOUTHERN RAILWAY COMPANY ET AL. v. J. F. HASTY & SONS, ET AL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF ARKANSAS.

No. 178. Submitted January 21, 1921.—Decided February 28, 1921.

1. Where a case in the District Court arising under the Constitution has been reviewed by this court under Jud. Code, § 238, this court retains jurisdiction to review a supplementary decree of the District Court not directly involving any constitutional question. *P. 254. Arkadelphia Co. v. St. Louis-Southern Ry. Co., 249 U. S. 134.*
2. A tariff giving special rates on rough wood material on shipment to mill, on condition that certain percentages of it by weight should be shipped over the same line after manufacture, and which specified as rough materials "Rough Lumber, Sawn, Planches, Bolts, and Logs," and among finished materials "Saves and Heading," and applicable to "bolts" out of which barrel headings were made, the term "bolts" in this connection having a loose generic meaning. *Id.*
3. Where the meaning of such a tariff was plain, held that an application for a contribution by the rate commission by which it was promulgated was not necessary for enforcement of a shipper's rights under it. *P. 256.*

*The case is stated in the opinion.*

*Mr. George A. McConnell and Mr. John M. Moore for appellants.*

*Mr. W. E. Hemingway, Mr. George B. Rose, Mr. D. H. Centrell and Mr. J. F. Longborough for appellees.*

*Mr. Justice PITNEY delivered the opinion of the court.*

This case is a sequel of *Atchafalaya v. St. Louis, Iron Mountain & Southern Ry. Co.*, 230 U. S. 553, and *Arkadelphia Co. v.*

# Calendar No. 115.

65TH CONGRESS, }  
1st Session. }

SENATE

} REPORT  
No. 113.

## AN ACT TO DEFINE, REGULATE, AND PUNISH TRADING WITH THE ENEMY, AND FOR OTHER PURPOSES.

AUGUST 15 (calendar day, August 31), 1917.—Ordered to be printed.

Mr. RANDELL, from the Committee on Commerce, submitted the  
following

### REPORT.

[To accompany H. R. 4960.]

The Committee on Commerce, to whom was recommitted the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, having had the same under consideration, report it again back with sundry amendments and recommend that the bill as now amended do pass.

Your committee devoted more than a month to careful, painstaking consideration of this bill. It spent several days in giving hearings to various interested parties, and to representatives of several departments of the Government. These hearings cover more than two hundred printed pages.

A lucid report was submitted by the House Committee on Interstate and Foreign Commerce, and same is annexed hereto and made a part hereof as Appendix "A."

The purpose of this bill is to mitigate the rules of law which prohibit all intercourse between the citizens of warring nations, and to permit, under careful safeguards and restrictions, certain kinds of business to be carried on. It also provides for the care and administration of the property and property rights of enemies and their allies in this country pending the war. The spirit of the act is to permit such business intercourse as may be beneficial to citizens of this country, under rules and regulations of the President, which will prevent our enemies and their allies from receiving any benefits therefrom until after the war closes, leaving to the courts and to future action of Congress the adjustment of rights and claims arising from such transactions. Under the old rule warring nations did not respect the property rights of their enemies, but a more enlightened opinion prevails at the present time, and it is now thought to be entirely proper to use the property of enemies without confiscating it; also to allow such business as fire insurance, issuance and use



of patents, etc., to be carried on with our enemies and their allies, provided that none of the profits arising therefrom shall be sent out of this country until the war ends. The general principles governing the bill are so well stated by Assistant Attorney General Warren, of the Department of Justice (see hearing pp. 130 and 131), that we quote from him as follows:

Trade with the enemy is unlawful under the common law both in England and the United States. (See memorandum of American cases prepared by me and submitted as an appendix to my remarks.) In England it has always been a common-law criminal offense (*Régina v. Castro* (1880), 5 Q. B. D., 490). In the United States, so far as such trade is criminal, it must be made so by Federal legislation, there being no common law of crimes. Such trade has a civil aspect—being unlawful, the acts of all parties engaging in such trade are void, or their rights and remedies are suspended during the war. It has also a Federal fiscal aspect, in that the United States may cause to be forfeited in the courts all property concerned in the unlawful trade. (See memorandum of law hereto attached.)

The questions of what constitutes trade with the enemy and what constitutes an enemy within the purview of the illegal trade are settled by the decisions of the English and of the American courts. These decisions constitute part of the common law of the two countries. Strictly speaking, they are not founded on international law. They are purely domestic decisions, founded on such view of public policy as the courts of each country decide to adopt, paying attention, however, to the general consensus of other countries as to what shall constitute a wise public policy in dealings affecting outside countries.

It follows that when the legislature of a country enacts a statute relative to trade with the enemy containing provisions differing from the law laid down by the courts, it is not violating or departing from international law. It is simply expressing its views as to the need of change in the domestic law of the country. Each country must decide for itself what it shall regard as unlawful trade with the enemy, and also what persons it shall regard, for the purposes of such trade, as enemy.

Changes in economic, commercial, financial, military, naval, and political conditions may make it highly necessary that doctrines as to trade with the enemy laid down by our courts a century ago should be modified by the legislature either by making them more stringent or less stringent, according to the needs and conditions of the present day. The complexity of modern business demands far greater stringency in certain directions than the old cases decided by the courts provided for. On the other hand, the more enlightened views of the present day as to treatment of enemies makes possible certain relaxations in the old law.

In former days, trade consisted wholly in the actual transfer and transport of commodities. To-day a form of trade even more helpful to the enemy consists of transfer of credits and money by letter, cable, or wireless. Hence, while formerly the mere accumulation of enemy property or funds in this country did not assist the enemy materially, so long as it remained here, now with the ready ease by which credits may be transferred and funds used it becomes just as important to prevent an enemy from building up, using, or transferring his credit or credits as from actually transferring physical property. Hence much more rigid supervision or prevention of such transactions becomes necessary.

So also, with the greater ease of intercommunication between countries, it may become necessary to expand the class of persons who, within the purview of unlawful trade with the enemy, shall be deemed "enemy." Even under the old court decisions the term "enemy" (when used in connection with trade with the enemy) was not confined to citizens of the enemy nation; it applied under certain circumstances to neutrals and their business within the enemy country, and even to our own citizens when having business or property in the enemy country. For these reasons a modern trading-with-the-enemy act must define the term "enemy" according to the particular conditions confronting each country so legislating, and likewise must on the same lines define the particular acts which it thinks necessary to forbid as unlawful trade. It was my intent in drafting this bill to make it as little restrictive of American commerce and as liberal toward the enemy private person as was compatible with the safety of the United States and with justice to American interests.

For the general scope of the present bill (H. R. 4960), I refer to a memorandum in the printed hearings before the House committee, pages 24-25, and also to the testimony of Secretary Lansing, Secretary Redfield, and myself, *ibid.*, pages 3-16, 51-44. For previous American trade with the enemy statutes and proclamations, see printed hearings, pages 26, and *United States v. Lane* (1868), 8 Wall., 155.



TO DEFINE, REGULATE, AND PUNISH TRADING WITH THE ENEMY.

3

The present bill is less stringent, and designedly so, than the present English act. And it is less stringent than the law of trade with the enemy as laid down by our courts, for it provides for a system of licenses by which any act or business forbidden by the bill may be licensed to be done, if the President shall be of opinion that it can be carried on or done with safety to the United States. The provisions of this bill greatly amplify and make more practical a system of license or permit which was provided for by the Government during the Civil War. The bill may in some ways interfere with the freedom of American commerce, and it may bear hardly, in places, upon individuals. By this license system, however, we provide a method of relief in individual cases where the relief can be extended without injury to the interests of the country. But it is necessary always to bear in mind that a war can not be carried on without hurting somebody, even, at times, our own citizens. The public good, however, must prevail over private gain. As was said in *Bishop v. Jones* (28 Texas, 294), there can not be "a war for arms and a peace for commerce."

One of the most important features of the bill is that which provides for the temporary taking over of enemy property, its conservation in the hands of the alien property custodian, and its investment in United States bonds. The investment feature, so far as I know, is an entirely new provision, contained in no previous statute, and in line with modern, lenient policies with reference to private property in time of war. I call attention to Secretary Redfield's characterization of this part of the bill, in the House committee hearings. He said: "I do not know who was the originator of the idea, but whoever was has created something as fine in its way as the return of the Boxer indemnity, because the enemy property is all in our hands to bear its share of our expenses in fighting the enemy, and yet it is safeguarded so that if it be the will of Congress, under urgent conditions, it may be returned to him intact and safeguarded by us during the whole period of the war."

The theory of the bill is that enemy property in this country shall not remain in the hands of the enemy's debtor or agent here; but that, if the President so directs, it shall be temporarily conscripted by the Government to finance the Government through investment in its bonds, and to be paid back to the enemy or otherwise disposed of at the end of the war as Congress shall direct. In other words, we fight the enemy with his own property during the war; but we do not permanently confiscate it. Moreover, this temporary conscription of enemy property is also conservation of enemy property; for it is taken from the hands of debtors or agents, as to whose solvency the enemy would otherwise have to assume the risks, and invested in the safest security in the world—United States bonds—or deposited in Government depositories.

For convenience reference is herein made to the pages of the printed hearings, at which detailed explanation may be had of the various sections of the bill.

The American judicial authorities on trading with the enemy are collected in a memorandum in the Senate subcommittee hearings, pages 170-175, and are published herein with additions as Appendix B. The English judicial authorities, collected by Assistant Attorney General Warren, are published herein as Appendix C.

The bill is susceptible of division into four portions.

The first portion defines the word "enemy" and prescribes the acts which shall be forbidden and which are made criminal if performed without license.

The second portion provides for a system by which any act otherwise unlawful and criminal may be licensed by the President if compatible with the safety of the United States and the successful prosecution of the war.

The third portion deals with the conservation and utilization of enemy property during the war.

The fourth portion deals with the entirely separable question of patents.

Taking up the sections in detail:

Section 2 prescribes the classes of persons who shall be deemed within the purview of the term "enemy" for the purposes of trade during time of war and for the purposes of this act. (Hearings, pp. 122-123)

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Briefly speaking, as applied to the present situation, any person residing or doing business within Germany, and any person residing outside the United States and doing business within Germany, and any corporation incorporated within Germany or incorporated within any country (other than the United States) and doing business within Germany are termed "enemy." "Doing business within Germany," of course, means having a branch or agency actively conducting business within that country. The bill does not bring within the term "enemy" a neutral, unless such neutral has a branch of its business within Germany. Nor does the bill term "enemy" a German residing in a neutral country and conducting no part of his business within Germany. In this respect the bill differs from the more extreme provisions of the English law, under which the English "black-list" was set up. A German residing in the United States is not included in any way within the term "enemy" by the direct operation of the act itself. The act provides, however, that a German residing or doing business anywhere may, if the President shall find the safety of the United States or the successful prosecution of the war so requires, be, by proclamation of the President, included with the term "enemy." A corporation chartered in the United States does not come within the purview of the term "enemy," even if controlled by German stockholders; but such corporation may not transmit dividends or profits out of the United States to its German stockholders and is criminally liable, just as any other citizen of the United States may be, for engaging in an act of trade with the enemy made illegal by the act. (Hearings, p. 182.)

The term "ally of enemy" is defined along similar lines as the definition of the term "enemy."

Section 3 taken in connection with the definition of the words "to trade" in section 2, sets forth the forms of intercourse with the enemy or with the ally of enemy which are made specifically criminal. It is to be noted that this section does not purport and is not intended to be declaratory of every form of intercourse with the enemy which is unlawful at common law. The act specifically provides in section 7(b) that it shall not be construed to recognize as valid any act which would otherwise have been void at law, unless such act is expressly authorized by the statute. In other words, the mere fact that section 3 fails to make any given form of intercourse with the enemy criminal does not make such intercourse lawful if it is unlawful under the general doctrines of law, as between private individuals and as affecting their civil rights and liabilities. (Hearings, pp. 151-153, 184.)

Any form of trade with the enemy which is made criminal by section 3 may be performed under license from the President granted either to the person engaged in the trade or to the enemy person himself. Full provision for licenses to be issued by the President are found in section 5. Such authorization of trade under license constitutes relaxation of the rule of international law forbidding trade with the enemy. The right to license such trade, however, has always been recognized, and statutory and executive provisions were made for such licenses during the Civil War in the United States. The present bill contains much more elaborate provisions for such licenses.

Section 3 further contains provisions making it unlawful to transport Germans or their allies into or out of the United States without license from the President. The necessity for this provision is very evident.

Section 3 also makes criminal the transmission or attempted transmission out of or into the United States of letters or other tangible forms of communication except in the regular course of the mail, and also the transmission of letters and all other forms of communication intended for or to be delivered directly or indirectly to the enemy. A provision, however, is made whereby persons who desire to take matter out of the United States other than in the regular course of the mail or who desire to send letters to the enemy may accomplish their purpose, if the same shall be proper, by submitting the letters, etc., to the President or to such officer as the President may direct and obtaining his consent. At present there is no adequate law on the statute books which prevents the smuggling into or out of this country of mail matter outside of the regular mail service. The lack of any criminal statute on this subject constitutes a great source of danger to this country. (Hearings, pp. 190-192.)

Section 4 (a) contains elaborate provisions to cover the case of branches or agencies of German corporations doing business in this country—insurance, reinsurance, commercial, and otherwise (and also of German ally corporations): One of the purposes of this section is to give the United States Government full control over all enemy and ally of enemy insurance or reinsurance companies, and to safeguard the interests of American companies which, in the past, have had business dealings with them.

These transactions have been in the nature of reinsurances. During the year 1916 the reinsurance premiums written by foreign companies, with branch offices in this country, amounted to \$50,000,000. Of this total, 47 per cent went to Russian and French companies, 11 per cent to neutral companies, and the balance, or 42 per cent, to enemy countries or their allies.

Absolute control over all such companies of enemy nations (and their allies) is vested in the President, who is authorized to grant or refuse to grant all license applications emanating from said companies, or their agents, doing business in the United States.

Section 4, in conjunction with section 9, also protects and safeguards those insurance companies of the United States which have existing contracts, entered into prior to the war, with enemy reinsurance companies. The latter, under the proposed act, may be compelled to turn over to the alien-property custodian, an official created by said act, all their assets in the United States.

In such cases the American companies are enabled to replace their contracts elsewhere, those existing with enemy countries being liquidated, upon proper proof of claim, presented to the alien-property custodian, to the Treasurer of the United States, to the President, or, upon suit, to the United States courts. American branches of German corporations are given 30 days within which to apply for a license. If the license is refused, any further doing of business in this country by the German corporation will be illegal. Pending the 30 days within which application may be made, and further pending the decision of the President on the question of license,

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insurance companies are allowed to continue to do business under the present provisions of the President's proclamation—that is, they may continue their ordinary business, but they may not transmit any funds out of the country or allow any funds to be used as a basis for credits. A German insurance or reinsurance company may not, however, do any marine or war-risk insurance, and provision is made that the President shall not have power to license any such marine or war-risk insurance or reinsurance. (Hearings, pp. 99-111, 139-144, 147.)

As to branches of business corporations pending the 30 days and further pending the decision of the President as to license, such German branches may continue to do business, but they also may not transmit or transfer any money or property out of the United States or use it for the basis of the establishment of credits. Detailed provisions are made to safeguard American interests in case the President refuses a license to a branch of a German insurance company or revokes any license after he shall have granted it. (Hearings, pp. 145-146.)

Section 4 (b) provides that no enemy and no partnership of which he was a member shall assume or use any name other than that by which he or it was ordinarily known at the beginning of the war, except under license from the President.

Section 5 gives the President the power to suspend the provisions of the act in so far as they apply to an ally of enemy, if he shall find it compatible with the interests of this country. The President is given power to issue licenses, and by section 5 (b) is further authorized to order the suspension for not more than 30 days of any transaction which he has reason to believe is an enemy transaction, pending investigation by him. (Hearings, pp. 159, 186.)

By section 5 (c) the President is given broad power to investigate any transactions in foreign exchange, gold or silver exports, and transfers of foreign credits (hearings, pp. 113, 130, 194, 221), and whenever it shall appear to the President that the export of any gold or silver coin, or bullion, or of any moneys of the United States may result in violation of the provisions of this act, he may withhold such export for a period of not exceeding 90 days pending investigation by him.

Section 6 provides for the general administration of the bill by the President and for the appointment of a new official known as the alien property custodian, who shall have charge of all money or property belonging to an enemy or ally of enemy which may be paid or conveyed to him under the provisions of the bill.

The bill next provides for the power of the Government to deal with enemy property so as to conserve and utilize such property found within its jurisdiction so far as practicable, both in the interests of this Government and of the enemy owner. The general provision is made that the Government may require any form of enemy property found within the United States to be paid or conveyed to the alien property custodian, and any person holding enemy property in this country is given the option, with the consent of the President, to transfer such property into the hands of the Government.

The most novel and important feature of this portion of the bill is the requirement that all money and quick assets paid over to the Government shall be invested in United States bonds. So far as



known this is an entirely new provision, contained in no previous statute. It is in line, however, with the modern and advanced lenient policy with reference to private property in time of war. By this means, enemy property is temporarily conscripted by the Government to finance the Government through investment in these bonds, and to be paid back to the enemy or otherwise disposed of at the end of the war, as Congress shall direct. In other words, we fight the enemy with his own property during the war but we do not permanently confiscate it. This temporary conscription of enemy property is also conservation of enemy property, for it takes the property from the hands of debtors or agents, as to whose solvency the enemy would otherwise be obliged to assume the risk, and it invests the property in the safest security in the world—bonds of the United States—or deposits it in Government depositories.

Section 7 contains provisions for ascertainment as to enemy property in this country.

Section 7 (a) requires reports from corporations and associations of enemy officers, directors and stockholders. As, however, it is known that much enemy property was transferred after the severing of relations with Germany and prior to the beginning of the war, provision is made that the President may require lists of all stock which was owned on February 3, 1917, by any person now defined as an enemy or ally of enemy. This provision is highly necessary in order that investigation may be made as to the bona fide character of these transfers. As to any actual and legal transfer, of course the bill would have no retrospective action. This provision is merely for the purpose of obtaining information.

Further provision is made that any person in this country who holds property belonging to or for an enemy or who owes any debt to an enemy shall report the same to the President, and there is a similar provision for a report of money or property held or debt owed on February 3, 1917. (Hearings, pp. 153-157.)

Section 7 (b) contains a provision whereby nothing in this act shall be deemed to render valid any act or transaction constituting trade with or for an enemy performed or engaged in since the beginning of the war and prior to the passage of the act which would have otherwise been void or illegal at law. (Hearings, pp. 157-158, 184.)

In order to prevent evasion of the act by assignments of enemy interests to neutrals, to be collected for the benefit of the enemy, it is provided that no person shall acquire any right or remedy by virtue of any such assignment or conveyance made after the passage of the act, or, unless such assignment or conveyance is made under license as provided in the act. Safeguard is given to American citizens who may have acquired interests under contracts assigned prior to the passage of the act, so that such contracts may be carried out and completed if there is no actual interest of the enemy remaining in such contract. (Hearings, p. 184.)

Provision is also made for payment to American citizens out of German funds in this country where the funds were received prior to the war and the necessity for payment arises out of transactions entered into prior to the war, but such payments are to be made only with the license of the President. (Hearings, pp. 47-72.)

Section 7 (c) provides that the President may require any enemy property to be paid to the alien property custodian.

Section 7 (d) authorizes any person holding property for an enemy or owing money or property to an enemy to pay or convey the same, at his option, with the consent of the President, to the alien property custodian. (Hearings, pp. 158-159.)

Section 7 (e) contains provisions giving protection to any person who may have performed any act in pursuance of an order, rule, or regulation made by the President, and provides also for acquittances and discharges to any such person paying or conveying property to the alien property custodian.

Section 8 (a) contains provision by which American citizens holding security on enemy property may dispose of such security on notice, presentation, or demand served by him on the alien property custodian, with the same force and effect as if duly served on the enemy personally.

Similarly, American citizens who have contracts with the enemy terminable on notice or presentation or demand may terminate such contracts by such notice, presentation, or demand served on the alien property custodian. (Hearings, pp. 160-161, 185-186.)

Section 8 (b) protects American citizens who may have entered into contracts for the delivery of goods after the ending of the European war and who now find themselves subject to conditions which were not contemplated when they entered into the contracts, namely, the entry of the United States into the war. It is provided that such contracts may be abrogated by notice served on the alien property custodian. (Hearings, pp. 161-165, 178-183.)

Section 8 (c) provides that the statute of limitations shall be suspended on any contract entered into prior to the beginning of the war between a citizen of the United States and a neutral whereby the United States citizen has become liable for the payment of money which is evidenced by an obligation secured by funds or property situated in an enemy country.

Section 9 protects American citizens who have any claim or interest, right or title in or to any money or property which has been paid or conveyed to the alien property custodian. This section is necessary to preserve and protect innocent claimants, notwithstanding the enforced absence of the parties in interest. If the enemy and all other parties claiming interest in his property assent, the President may order the property returned or paid over or transferred to the claimant. (Hearings, pp. 148-151.)

If such assent is not obtained, then adequate provision is made for a suit in equity. Such a suit may be instituted at any time before the expiration of six months after the end of the war.

Section 10 relates solely to patents which are placed under control and supervision of the Federal Trade Commission. This section is fully explained in subdivision 111 of the House report, to which reference is made. Two material amendments were added by the Senate committee, one authorizing the Federal Trade Commission to fix prices when licenses are granted to use a patent, trade-mark, print, label, or copyright, and the other authorizing the Commissioner of Patents to enforce secrecy in regard to any invention which may, in his opinion, be detrimental to the public safety or defense.

Section 11 contains provisions for the preservation of enemy property by governmental agency and in the interest of the enemy himself. The chances of trade in time of war may involve the

solvency of debtors or holders of enemy property, but the taking over and custody of the property by the Government gives to the enemy the best possible protection. Not only is the enemy property preserved and protected, but provision is made for its utilization in the interest of this Government. Moneys (including checks and drafts payable on demand) held by the alien property custodian are required to be deposited immediately by him with the Treasurer of the United States, and may be thereupon invested or reinvested by the Secretary of the Treasury in the bonds or certificates of the United States under appropriate rules and regulations. Thereby the enemy property may be utilized to support and promote the success of the war. This investment and reinvestment is not only sound business policy but a just method of auxiliary warfare.

As there may be paid or conveyed to the alien property custodian, in addition to moneys, checks, and drafts payable on demand, much other property, such as stocks, bonds, tangible personal property and otherwise, provision is made vesting the alien property custodian with the power of a common-law trustee in respect to all property, other than money, so that he may be enabled to manage such property and exercise any rights which might be appurtenant thereto. (Hearings, pp. 70-72, 167.) In case of sale, however, of any such property, the proceeds are required to be paid to the Treasurer of the United States.

In order to simplify governmental bookkeeping, provision is made that any money or property required to be paid or conveyed to the alien property custodian shall, on his written order, be so paid or conveyed direct to the Treasurer of the United States.

While the theory on which the bill is drafted is that enemy property shall be protected and utilized, but not confiscated, the ultimate disposition of the enemy property received and held by the Government is left entirely to Congress, **and provision is made that after the end of the war enemy claims to such property "shall be settled as Congress shall direct."**

Sections 12 and 13 relate to the regulation of clearance of vessels bound for foreign ports, in order that adequate machinery may be provided for the prevention of departure of such vessels in case of cargoes shipped in violation of the provisions of the act.

Section 14 contains appropriations of \$400,000 to be expended for the purpose of carrying out the provisions of the act, and the further sum of \$50,000 to be expended by the Federal Trade Commission for the same purpose.

Section 15 provides penalties for the violation of the provisions of the act or any license, rule, or regulation issued thereunder or for failure to comply with any order issued thereunder.

Sections 16 and 17 vest jurisdiction in appropriate courts for carrying out the provisions of the act.

#### APPENDIX A.

[H. Rept. No. 83 65th Cong., 1st sess.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

(44)



The chief objects of this bill are (1) to recognize and apply concretely, subject to definite modifications, the principle and practice of international law interdicting trade in time of war, and (2) to conserve and utilize upon a basis of practical justice enemy property found within the jurisdiction of the United States.

# I.

According to American law one of the immediate consequences of war is to put an end to all commercial relations between citizens or subjects of belligerent nations. Existing dealings must be abruptly discontinued, and no new dealings must be entertained or undertaken. In short, commercial intercourse can not be lawfully carried on between citizens of nations at war, except under the express sanction of the Government. This seems clearly the accepted Anglo-American doctrine.

In 1799 Sir William Scott, in the leading case of *The Hoop*, (1 Rob. 196), held that—

"There exists such a general rule of maritime jurisprudence in this country (Great Britain) by which all trading with the enemy, unless with permission of the sovereign, is interdicted."

This is still the view of Great Britain, as evidenced by a number of cases arising since the beginning of the present world-wide war. (*Hugh Stevenson & Sons (Ltd.) v. Aktien-Gesellschaft* (1916), 1 K. B. 763; *Distington Hematite Iron Co. (Ltd.) v. Possehl* (1916), 1 K. B. 811); and other decisions too numerous to cite.

Perhaps the leading American cases are *The Rapid* (8 Cranch, 155), decided in 1814, and *Insurance Co. v. Davis* (95 U. S. 425), decided in 1877. In the former case an American citizen was forbidden to bring home property which he had purchased in England before the War of 1812, and had deposited on a small British island located near the line between Nova Scotia and the United States; and in the latter case, after reviewing many American decisions, the Supreme Court comprehensively declared—

"That war suspends all commercial intercourse between the citizens of two belligerent countries or States, except so far as may be allowed by the sovereign authority, has been so often asserted and explained in this court within the last 15 years, that any further discussion of that proposition would be out of place. As a consequence of this fundamental proposition it must follow that no active business can be maintained, either personally or by correspondence or through an agent, by the citizens of one belligerent with the citizens of the other."

This view of the law, held by England and America, is in the main shared by continental Europe. See Woolsey, sec. 123; Wheaton, sec. 309; Hall (6th ed.), 383-385; *Kershaw v. Kelsey* (1868), 100 Mass. 561, and other authorities. In sum, war and commerce can not in the nature of things coexist between belligerents. Citizens can not be permitted directly or indirectly to augment the material resources of the enemy by commercial intercourse, and the necessity for this interdiction is more obvious to-day than at any period of the world's history. Never were the industrial, commercial, and financial resources of belligerent nations so vital to the success of war as now. It is not extravagant to affirm that the effective organization of these



resources are more likely to determine the result of the present conflict than armies and navies. Therefore, everything reasonably possible should be done to prevent our enemy from reaping the advantages of commercial transactions with the people of the United States. To summarize the purpose of the bill is not to create new international rules or practices, but to define and mitigate them.

1. The first modification is found in the definition of the word "enemy" (sec. 2, subsec. (a), p. 1); whereby the enemy with whom or with trade which is interdicted is not so much determined by the nationality or allegiance of the individual, association, or corporation as by his or its commercial domicile or residence in enemy territory. The enemy domiciled or residing in the United States is not included in the direct operation of the act itself, but may be reached by subsequent proclamation of the President, as authorized by the act. One leading purpose of the bill is to prevent the least practicable restriction upon trade carried on in the United States, and therefore law-abiding persons, whether Germans or neutrals, residing within the United States are not affected by the direct operation of the act, unless the conduct of such persons is of a character so hostile that they should be brought within the terms of the act by the proclamation of the President.

2. The trade or commerce regulated or prohibited is defined in subsections (a), (b), (c), (d), and (e), page 4. This trade covers almost every imaginable transaction, and is forbidden and made unlawful except when allowed under the form of licenses issued by the Secretary of Commerce (p. 4, sec. 3, line 18). This authorization of trading under licenses constitutes the principal modification of the rule of international law forbidding trade between the citizens of belligerents, for the power to grant such licenses, and therefore exemption from the operation of the law, is given by the bill. It should also be added that the prohibitions and limitations applicable to the enemy are in the main also applicable to an ally of the enemy.

3. The forbidden intercourse or commerce extends to the transportation of an enemy or ally of an enemy, and also to the transmission, or attempted transmission, out of the United States of any letter, document, writing, message, picture, diagram, map, device, or other form of communication addressed to an enemy or the ally of an enemy. The necessity of this particular prohibition is too obvious to require explanation.

## II.

1. In the order found in the bill the power of the Government to deal with enemy property is next reached (p. 7, sec. 6). It is manifest that the United States should as far as practicable conserve and utilize enemy property found within its jurisdiction. To this end such property must be brought under the control of the Government, to be impounded or used, and to await such disposition at the close of the war as Congress may determine. Therefore, enemy property is required by its owner or its agents to be disclosed, and paid over, conveyed, transferred; or delivered to an agent of the Government known as the "alien-property custodian" who is to be appointed by the Secretary of Commerce, with the approval of the

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President, and at a salary not exceeding \$5,000. The custodian is empowered to receive all money and property in the United States due or belonging to an enemy, or an ally of the enemy, and to hold, administer, and account for the same in accordance with the terms of the act, or under the general direction of the Secretary of Commerce. The Secretary of Commerce is also empowered to employ and fix the compensation of all necessary clerks, investigators, accountants, and employees, who, however, are required to be selected from a list of eligibles obtained in accordance with the civil-service law.

2. The act next contains rather comprehensive provisions for the disclosure of enemy property, and for the conveyance or transfer thereof to the custodian, and the Secretary of Commerce is authorized to make all regulations necessary to effectuate such conveyance or transfer. (Sec. 7, subssecs. (a), (b), (c), p. 8.) But should no payment, conveyance, or transfer be required by the Secretary of Commerce of a person (who is not an enemy or ally of an enemy) owing money to, or holding property for, an enemy or an ally of an enemy, such person may of his own option pay, convey, or transfer to the custodian such debt or property. (Subsec. (c), p. 9.) Likewise such person holding a mortgage, pledge, or lien may, upon default therein, dispose of the same in accordance with prescribed regulations, thereby having his rights as fully protected as if the procedure had taken place directly and personally with the enemy or alien enemy. (Sec. 8, pp. 9, 10.) Similarly, certain contracts between persons or corporations with an enemy or ally of an enemy may be as effectually terminated by notice served upon the custodian as if served personally upon the enemy or ally of an enemy. (Second paragraph, p. 10.)

3. Again, innocent claimants of property, rights, and titles held by the custodian may litigate against the custodian as effectually as against the enemy or ally of an enemy. (Sec. 9, pp. 10, 11.) Thus the preservation and protection of property and property rights are afforded innocent claimants notwithstanding the enforced absence of enemy parties in interest.

Moreover, the preservation of enemy property by governmental agencies is to the best interest of the enemy subject himself. The fortune of trade in time of war renders precarious the solvency of debtors or holders of property, and the assumption of the debt or custody of property by the Government gives the enemy, or ally of an enemy, the best possible protection.

4. But the preservation and protection of property is not alone provided for; its proper utilization may be a public necessity. Therefore, moneys (including checks and drafts payable on demand) held by the custodian must be immediately deposited by him with the Treasurer of the United States, and may in turn be invested and re-invested by the Secretary of the Treasury in the bonds or certificates of the United States, under appropriate rules and regulations. Consequently, enemy property may be utilized to support and promote the success of the war against the enemy government. Manifestly, it is not wise to permit such property to remain idle in the coffers of the Government; therefore, its investment and reinvestment is not only sound business policy, but a just method of auxiliary warfare, for it

is thought that this method of utilizing the moneys and property of the enemy will yield a considerable income, and at the same time prevent the enemy from obtaining the benefits of credits based upon such property. (Sec. 11, p. 17.)

### III.

1. The act, unaided by the proclamation of the President, excepts largely from the inhibition of the general law as well as from the act itself, patents and trade-marks. The enemy or ally of an enemy is permitted to obtain in the United States letters patent and registration of trade-marks under the provisions of existing law. But if the war imposes an inability upon the enemy applicant to secure letters patent either during the war or within six months thereafter an extension of nine additional months is made within which letters patent or registration of trade-marks may be perfected, provided, however, that the nation of the enemy applicant shall extend substantially similar privileges to citizens and corporations of the United States, but that the application for the exercise of this privilege by our citizens shall first be approved by the Secretary of Commerce. (Sec. 10, subsecs. (a), (b), p. 12.)

2. The act, however, goes further: Any citizen or corporation of the United States may obtain a license from the Federal Trade Commission to exercise the rights covered by any patent owned by an enemy or alien enemy. The license may be exclusive or nonexclusive, as the commission deems for the public welfare, the applicant's ability and good faith to exercise the privileges of the license being established. The Federal Trade Commission is fully authorized to prescribe the regulations (but not the fee which is fixed by the act) under which the license may be obtained and the conditions under which it may be operated. (Sec. 10, subsec. (c), p. 13.)

3. The licensee shall file annually with the Federal Trade Commission, or oftener if the commission so prescribes, a full statement of the extent of the use and enjoyment of the patent rights acquired under the license, and shall pay to the custodian, or such other officer as the President may direct, 5 per cent upon the gross sales of such inventions, or 5 per cent of the value of the use of such inventions to the licensee, as may be determined by the Federal Trade Commission, and the sums so paid shall be covered into the Treasury as a trust fund for such licensee or patentee, and paid therefrom as provided. (Sec. 10, subsec. (d), pp. 14, 15.)

4. The enemy patentee may within a year after the end of the war file a bill in equity against the licensee in the United States district court for the district in which the licensee resides, or, if a corporation, in which it has its principal place of business, for the recovery from the licensee for all use and enjoyment of the patented invention. The Treasurer of the United States is to be a party to this suit, as is also the alien property custodian, upon whom notice shall be filed within 30 days after the entry of the suit. The amount recovered under the decree, when final, shall be paid on order of the court to the patentee from the 5 per cent fund deposited by the licensee, or so far as such deposit will satisfy the decree, and should there be



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any balance of said deposit, same shall be repaid to the licensee. If no suit is brought within one year after the end of the war, or no notice is filed as required, then the licensee shall make no further deposits, and all funds theretofore deposited by him shall be repaid to him.

5. If suit is brought as above provided, the court may at any time terminate the license, and restrain the licensee from infringement thereafter, or in case the licensee, prior to the suit, shall have made investment of capital based on the license, may continue the license upon such terms and upon such royalties as the court may determine to be just and reasonable. (Sec. 10, subsec. (f), pp. 15, 16.)

The enemy, or ally of an enemy, has no jurisdiction other than that conferred by this section of the act to maintain suits or actions within the United States, and all powers of attorney heretofore or hereafter granted by an enemy, or ally of an enemy, to any person within the United States, so far as such powers of attorney may be necessary for the performance of acts authorized in this section, shall be valid, otherwise declared void. (Subsec. (h), p. 17.)

IV.

1. Sections 12 and 13, pages 20 and 21, relate to the regulation of clearance of vessels bound for foreign ports, in order that there may be full control of both vessels and cargoes, domestic as well as foreign.

2. An appropriation of a sum not to exceed \$250,000 is contained in the act to be used in the discretion of the Secretary of Commerce for the administration of the provisions of the act during the fiscal year ending June 30, 1918, and for the payment of salaries of all persons employed under the act, together with the necessary expenses for transportation, subsistence, rentals in the District of Columbia, books, periodicals, stationery, miscellaneous supplies, printing, and other necessary expenses.

Section 15, page 22, provides punishment and penalty for the violation of the act. And section 16, pages 22 and 23, confers jurisdiction upon the district courts of the United States to issue such process as may be necessary to enforce the provisions of the act, with the right of appeal as provided in sections 128 and 238 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary." Jurisdiction of offenses against the act committed in the Philippine Islands and the Canal Zone is given to the several courts of the first instance in the Philippine Islands and the district court of the Canal Zone, and concurrent jurisdiction for like offenses is conferred upon the district courts of the United States for offenses against the act committed upon the high seas.



APPENDIX B.

MEMORANDUM OF AMERICAN CASES AND RECENT ENGLISH CASES ON THE LAW OF TRADING WITH THE ENEMY.

By CHARLES WARREN, Assistant Attorney General of the United States.

I.

AMERICAN CASES.

(1) *Every species of intercourse with the enemy is illegal. The prohibition is not limited to mere commercial intercourse.*

Johnson, J., in *The Rapid* (1814) (8 Cranch, 155, 162, 163):

"Whether this was a trading in the eye of the prize law such as will subject the property to capture.

"The force of the argument on this point depends upon the terms made use of. If by *trading* in prize law was meant that signification of the term which consists in negotiation or contract, this case would certainly not come under the penalties of the rule. But the object, policy, and spirit of the rule is to cut off all communication or actual locomotive intercourse between individuals of the belligerent States. Negotiation or contract has therefore no necessary connection with the offense. *Intercourse* inconsistent with actual *hostility* is the offense against which the operation of the rule is directed, and by substituting this definition for that of *trading with an enemy* an answer is given to this argument."

And see especially Story, J., in *The Julia* (1814) (8 Cranch, 181, 193, 194, 195):

"Nor is there any difference between direct intercourse between the enemy countries and an intercourse through the medium of a neutral port. The latter is as strictly prohibited as the former."

See also Story, J., in *The Julia* (1813) (1 Gallison, 594, 602, 603):

"\* \* \* It would seem a necessary result of a state of war to suspend all negotiations and intercourse between the subjects of the belligerent nations. By the war every subject is placed in hostility to the adverse party. He is bound by every effort of his own to assist his own government and to counteract the measures of its enemy. Every aid, therefore, by personal communication or by other intercourse which shall take off the pressure of the war or foster the resources or increase the comforts of the public enemy, is strictly inhibited. No contract is considered as valid between enemies, at least so far as to give them a remedy in the courts of either government, and they have, in the language of the civil law, no ability to sustain a *persona standi in judicio*. The ground upon which a trading with the enemy is prohibited is not the criminal intentions of the parties engaged in it or in the direct and immediate injury to the State. The principle is extracted for a more enlarged policy, which looks to the general interests of the Nation, which may be sacrificed under the temptation of unlimited intercourse or sold by the cupidity of corrupted avarice."

See also *The St. Lawrence* (1814) (8 Cranch, 434); *The Alexander* (1814) (8 Cranch, 169); *The Ruger* (1816) (1 Wheaton, 62); *United States v. Barber* (1815) (9 Cranch, 243); *United States v. Sheldon* (1815) (9 Wheaton, 119).

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Story, J., in *The Liverpool Packet* (1813) (1 Gallison, 512, 521, 522):  
 "I look back upon that decision (*The Julia*) without regret, and after much subsequent reflection can not doubt that it has a perfect foundation in the principles of public law. To the many authorities there stated I might have added the pointed language of Sir W. Scott, in the *Jonge Pieter* (4 Rob., 79), that 'without the license of the government no communication, direct or indirect, can be carried on with the enemy,' and the rule strongly illustrative of the principle, which is acknowledged as early as the yearbooks and has received sanction down to the present times, that every contract and engagement made with the enemy pending war is utterly void."

*The Lord Wellington* (1814) (2 Gallison, 102):

The case of *United States v. Barker* (1820, Circ. Ct. N. Y.) (1 Paine, 156), constitutes a departure from the general rule.

The rigid rule was reaffirmed in *Scholefield v. Eichelberger* (1883) (7 Pet., 386, 593):

"The doctrine is not at this day to be questioned; that during a state of hostility the citizens of the hostile States are incapable of contracting with each other. For near 20 years this has been acknowledged as the settled doctrine of this court, and in a case which proves it to be a rule of very general and rigid application (*The Rapid*). \* \* \* The question has never yet been examined whether a contract for necessities, or even for money to enable the individual to get home, would not be enforced, and analogies familiar to the law as well as the influence of the general rule in international law, that the severities of war are to be diminished by all safe and practical means, might be appealed to in support of such an exception. But at present it may be safely affirmed that there is no recognized exception but permission of a State to its own citizen, which is also implied in any treaty stipulation to that effect entered into by the belligerents."

In *Jecker v. Montgomery* (1855) (13 How., 110, 112, 119):

"The consequence of this state of hostility is that all intercourse and communication between them is unlawful. \* \* \*

"We have seen, by the authorities cited, that intercourse with the enemy is sufficient cause for personal punishment and for the confiscation of property; that it is a cause originating in and inflexibly enforced by necessity for guarding the public safety."

(2) Property engaged in illegal intercourse with the enemy is deemed enemy property and is liable to forfeiture.

*The Sally* (1814) (8 Cr., 382, 384):

"By the general law of prize, property engaged in an illegal intercourse with the enemy is deemed enemy property. It is of no consequence whether it belong to an ally or to a citizen; the illegal traffic stamps it with the hostile character, and attaches to it all the penal consequences of enemy ownership."

*The Rapid* (1814) (8 Cr., 155, 162, 163):

"The law of prize is part of the law of nations. In it a hostile character is attached to trade, independently of the character of the trader who pursues or directs it. Condemnation to the use of the captor is equally the fate of the property of the belligerent and of the property found engaged in antineutral trade. But a citizen or ally may be engaged in a hostile trade, and thereby involve his property in the fate of those who cause him to embark."

"This liability of the property of a citizen to condemnation as prize of war may be likewise accounted for under other considerations. Everything that issues from a hostile country is, *prima facie*, the property of the enemy, and it is incumbent upon the claimant to support the negative of the proposition. But if the claimant be a citizen or an ally at the same time that he makes out his interest, he confesses the commission of an offense which, under a well-known rule of the civil law, deprives him of his right to prosecute his claim. \* \* \*

"Whether, on the breaking out of a war, the citizen has a right to remove to his own country with his property is a question which we conceive does not arise in this case. This claimant certainly has not a right to leave the United States for the purpose of bringing home his property from an enemy country; much less could he claim it as a right to bring into this country goods the importation of which was expressly prohibited."

See also *The Diana* (1814) (2 Gallison, 93, 97); *Jecker v. Montgomery* (1855) (18 How., 110, 114); *The Adula* (1899) (176 U. S., 361, 379), and cases cited.

*The Benito Estenger* (1900) (176 U. S., 568, 571):

"By the law of prize, property engaged in any illegal intercourse with the enemy is deemed enemy property, whether belonging to an ally or a citizen, as the illegal traffic stamps it with the hostile character and attaches to it all the penal consequences."

See also *The Carlos F. Roses* (1900) (177 U. S., 655).

Betts, J., in *The Crenshaw* (1861), Blatchford's Prize Cases, 27:

"Not only is property taken trading with the enemy liable to forfeiture, but it is subject to forfeiture as a prize of war."

Nelson, J., in *Charge to Grand Jury* (1861) (5 Blatchf., 549; Fed. Cases No. 18271):

"Trade with the enemy \* \* \* according to the law of nations is forbidden and the property engaged in it is liable to forfeiture."

Betts, J., in *The Shark* (1862) (Blatchford's Prize Cases, p. 218).

(3) *All persons doing business with the enemy, whether citizens of the United States or citizens of the other belligerent nation or neutrals, are as to their property to be deemed enemies.*

Prize Cases (1862) (2 Black, 674):

"But in defining the meaning of the term 'enemies' property, we will be led into error if we refer to Fleta and Lord Coke for their definition of the word 'enemy.' It is a technical phrase peculiar to prize courts, and depends upon principles of public policy as distinguished from the common law."

"Whether property be liable to capture as 'enemies' property' does not in any manner depend on the personal allegiance of the owner. 'It is the illegal traffic that stamps it "as enemies' property." It is of no consequence whether it belongs to an ally or a citizen. (3 Cr., 384.) The owner, *pro hac vice*, is an enemy.' (3 Wash. C. C. R., 183.)

"The produce of the soil of the hostile territory, as well as other property engaged in the commerce of the hostile power, as the source of its wealth and strength, are always regarded as legitimate prize, without regard to the domicile of the owner, and much more so if he reside and trade within the territory."

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*The Flying Scud* (1867) (6 Wall., 263, 266):

"Although they are Mexican citizens, yet being established in business in the enemies' country, must be regarded according to settled principles of prize law, as enemies, and their cotton as enemies' property."

See *Juragua Iron Co. v. United States* (1909) (212 U. S., 297, 305, 306):

"Cuba, being a part of Spain, was enemy's country, and all persons, whatever their nationality, who resided there were, pending such war, to be deemed enemies of the United States and of all its people. The plaintiff, though an American corporation, doing business in Cuba, was, during the war with Spain, to be deemed an enemy to the United States with respect to its property found and then used in that country, and such property could be regarded as enemy's property, liable to be seized and confiscated by the United States in the progress of the war then being prosecuted."

So in *Young v. United States* (1877) (97 U. S., 39, 60):

"All property within enemy territory is in law enemy property just as all persons in the same territory are enemies."

30 *Hogsheds of Sugar v. Boyle* (1815) (9 Cranch, 191).

*The Sarah Starr* (1861) (Blatchford's Prize Cases, 74, 76):

"\* \* \* Loyal citizens or neutrals who \* \* \* have a mercantile domicile in an enemy country are regarded in the prize courts in their commercial dealings and transactions there as enemies in relation to vessels and cargoes owned by them and captured at sea.  
\* \* \*

"The American authorities are equally explicit that a neutral, even enjoying the privilege of consul, domiciled and trading in a belligerent country, is, in war, deemed a belligerent, and his acts are clothed with the character of one of its subjects; and he can neither hold title to property acquired in such country during war, nor confer it upon others, against the interests imparted, by capture at sea, to adversary belligerents."

*The Mary Clinton* (1863) (Blatchford's Prize Cases, p. 560).

See also *The Venus* (1814) (8 Cranch, 253); *The Fowles* (1814) (ibid., 348); *The Frances* (1814) (ibid., 351); *Livingston v. Maryland Ins. Co.*, (1813) (7 Cranch, 542); *U. S. v. Guillem* (1850) (11 How., 50); *The William Bagaley* (1866) (5 Wall., 377); *Miller v. U. S.* (1870) (11 Wall., 268).

(4) In general, during war, contracts with, or powers of attorney or agency from, the enemy executed after outbreak of war are illegal and void; contracts entered into with the enemy prior to the war are either suspended or are absolutely terminated; partnerships with an enemy are dissolved; powers of attorney from the enemy, with certain exceptions, lapse; payments to the enemy (except to agents in the United States appointed prior to the war and confirmed since the war) are illegal and void; all rights of an enemy to sue in the courts are suspended.

*The William Bagaley* (1866) (5 Wall., 377, 405, 407):

"Public war duly declared or recognized as such by the lawmaking power, imports a prohibition by the sovereign to the subjects or citizens of all commercial intercourse and correspondence with citizens or persons domiciled in the enemy country."

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Hanger v. Abbott (1867) (6 Wall., 532, 535):

"War, when duly declared or recognized as such by the war-making power, imports a prohibition to the subjects or citizens of all commercial intercourse and correspondence with citizens or persons domiciled in the enemy country. Upon this principle of public law it is the established rule in all commercial nations that trading with the enemy, except under a Government license, subjects the property to confiscation or to capture and condemnation.

"Partnership with a foreigner is dissolved by the same event which makes him an alien enemy. \* \* \* Direct consequence of the rule as established in those cases is that as soon as war is commenced all trading, negotiation, communication, and intercourse between the citizens of one of the belligerents with those of the other without the permission of the Government is unlawful. No valid contract, therefore, can be made, nor can any promise arise by implication of law, from any transaction with an enemy. Exceptions to the rule are not admitted; and even after the war has terminated the defendant, in an action founded upon a contract made in violation of that prohibition, may set up the illegality of the transaction as a defense. Various attempts, says Mr. Wheaton, have been made to evade the operation of the rule and to escape its penalties, but they have all been defeated by its inflexible rigor."

Coppell v. Hall (1868) (7 Wall., 542, 554, 557, 558):

"When international wars exist all commerce between the countries of the belligerents, unless permitted, is contrary to public policy, and all contracts growing out of such commerce are illegal. Such wars are regarded not as wars of the governments only, but of all the inhabitants of their respective countries. The sovereign may license trade, but in so far as it is done it is a suspension of war and a return to the condition of peace. It is said there can not be, at the same time, war for arms and peace for commerce. The sanction of the sovereign is indispensable for trade. A state of war *ipso facto* forbids it. The government only can relax the rigor of the rule. \* \* \*

"The payment of money by a subject of one of the belligerents, in the country of another, is condemned, and all contracts and securities looking to that end are illegal and void. \* \* \*

"In *Griswold v. Waddington* (16 Johnson, 459, 460), Kent, C. J., said: 'The law had put the sting of disability into every kind of voluntary communication and contract with an enemy which is made without the special permission of the Government. There is wisdom and policy, patriotism and safety in this principle, and every relaxation of it tends to corrupt the allegiance of the subject and to prolong the calamities of war.'

Miller v. United States (1870) (11 Wall., 268, 305, 306):

"It is immaterial to it whether the owner be an alien or a friend, or even a citizen or subject of the power that attempts to appropriate the property. In either case the property may be liable to confiscation under the rules of war. It is certainly enough to warrant the exercise of this belligerent right that the owner be a resident of the enemy's country, no matter what his nationality. The whole doctrine of confiscation is built upon the foundation that it is an instrument of coercion, which, by depriving an enemy of property within reach of his power, whether within his territory or without it, impairs his ability to resist the confiscating government, while at the same

time it furnishes to that government means for carrying on the war. Hence any property which the enemy can use, either by actual appropriation or by the exercise of control over its owner, or which the adherents of the enemy have the power of devoting to the enemy's use, is a proper subject of confiscation."

United States v. Lapene (1873) (17 Wall., 601, 602):

"All commercial contracts with the subjects or in the territory of the enemy, whether made directly by one in person or indirectly through an agent who is neutral, are illegal and void \* \* \*. No property passes and no rights are acquired under such contracts."

And see also Mrs. Alexander's Cotton (1864) (2 Wall., 404); The Ouachita Cotton (1867) (1 Wall., 521); United States v. Lane (1868) (8 Wall., 185, 195); Dean v. Nelson (1869) (10 Wall., 158); Lasere v. Rochereau (1873) (17 Wall., 437); Day v. Micou (1873) (18 Wall., 156); Mitchell v. United States (1874) (21 Wall., 350); Fretz v. Stover (1874) (22 Wall., 198); Mathews v. McStee (1870) (91 U. S., 7, 9, 10); Desmare v. United States (1876) (93 U. S., 605, 612); Pike v. Wassall (1876) (94 U. S., 711); Conrad v. Waples (1877) (96 U. S., 279, 286); Burbank v. Conrad (1877) (96 U. S., 291); United States v. Pacific R. R. (1887) (120 U. S., 227, 233); Briggs v. United States (1892) (143 U. S., 346, 353); Nelson, J., dissenting in Prize Cases (1862) (2 Black, 635, 687).

See also Kershaw v. Kelsey (1868) (100 Mass., 561, 672); Trotter on Contract During War; Page on War and Alien Enemies.

(5) *Effect of war on contracts previously entered into with the enemy.*

Hanger v. Abbott (1867) (6 Wall., 532, 536):

"Executory contracts also with an alien enemy, or even with a neutral, if they can not be performed except in the way of commercial intercourse with the enemy, are dissolved by the declaration of war, which operates for that purpose with a force equivalent to an act of Congress.

"In former times the right to confiscate debts was admitted as an acknowledged doctrine of the law of nations, and in strictness it may still be said to exist, but it may well be considered as a naked and impolitic right, condemned by the enlightened conscience and judgment of modern times. Better opinion is that executed contracts, such as the debt in this case, although existing prior to the war, are not annulled or extinguished, but the remedy is only suspended, which is a necessary conclusion, on account of the inability of an alien enemy to sue or to sustain, in the language of the civilians, *a persona standi in judicio*."

What contracts are merely suspended and what are terminated by a state of war is considered in New York Ins. Co. v. Statham (1876) (93 U. S., 24, 31, 32, 33, 35):

"The case, therefore, is one in which time is material and of the essence of the contract. \* \* \*

"But the court below bases its decision on the assumption that, when performance of the condition becomes illegal in consequence of the prevalence of public war, it is excused, and forfeiture does not ensue. It supposes the contract to have been suspended during the war, and to have revived with all its force when the war ended. Such a suspension and revival do take place in the case of ordinary debts. But have they ever been known to take place in the case of executory contracts in which time is material? \* \* \*

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"The truth is that the doctrine of the revival of contracts suspended during the war is one based on considerations of equity and justice, and can not be invoked to revive a contract which it would be unjust or inequitable to revive.

"In the case of life insurance, besides the materiality of time in the performance of the contract, another strong reason exists why the policy should not be revived. The parties do not stand on equal ground in reference to such a revival. It would operate most unjustly against the company. \* \* \*

"We are of opinion, therefore, that an action can not be maintained for the amount assured on a policy of life insurance forfeited, like those in question, by nonpayment of the premium, even though the payment was prevented by the existence of the war. \* \* \*

"\* \* \* Failure being caused by a public war, without the fault of the assured, they are entitled *ex æquo et bono* to recover the equitable value of the policies with interest from the close of the war."

*The William Bagley* (1866) (5 Wall., 377, 407):

"\* \* \* Executory contracts with an alien enemy, or even with a neutral, if they can not be performed except in the way of commercial intercourse with the enemy, are *ipso facto* dissolved by the declaration of war, which operates to that end and for that purpose with a force equivalent to that of an act of Congress."

See also *Gates v. Goodloe* (1879) (101 U. S., 612, 619-621); *Lamar v. Micou* (1884) (112 U. S., 452, 464); *United States v. Dietrich* (1908) (126 Fed., 671, 674).

See also *Griswold v. Waddington* (1819) (10 Johns, 438); *Abell v. Insurance Co.* (1881) (18 W. Va., 406, 438); *Moore's International Law Digest*, volume 10, page 244.

(6) *As to the effect of war on payment of interest.*

See *Trotter on Contract During War* (supplement), p. 61; *Trotter on Contract During War*, p. 49.

See also *Brown v. Hiatts* (1872) (15 Wall., 177, 185); *Hoare v. Allen* (1789) (2 Dallas, 102); *Foxcroft v. Nagle* (1791) (2 Dallas, 182); *Conn. v. Penn.* (1818) (1 Peters C. C., 496, 524); *Ward v. Smith* (1868) (7 Wall., 447, 452); *Moore, Dig. Int. Law* (vol. 7, p. 252).

See also statement in 22 Cyc., 1562, and 30 *American and English Ency. Law* (2d ed.), p. 8. (The statements contained in these last two references do not seem to be in entire accord with the Supreme Court decisions.)

(7) *As to the effect of war on payments to agents of the enemy, and upon appointment of agents, and upon acts performed under power of attorney granted by the enemy prior to war.*

*Conn. v. Penn.* (1818, Circ. Ct. Penn.) (1 Peters C. C. 496, 527, 528); *United States v. Grossmeyer* (1869) (9 Wall., 72, 73); *Ward v. Smith* (1868) (7 Wall., 447); *University v. Finch* (1873) (18 Wall., 106); *Insurance Co. v. Davis* (1877) (95 U. S., 425, 429); *Williams v. Paine* (1897) (169 U. S., 55, 70, 71).

(8) *As to the power to sue in the courts.*

See *Hanger v. Abbott* (1867) (6 Wall., 532, 536, 542); *Caperton v. Bowyer* (1871) (14 Wall., 216, 236); *Masterson v. Howard* (1873) (18 Wall., 99, 105).

An alien enemy may be sued in the courts of the United States, though he has no right to sue. *McVeigh v. United States* (1870) (11 Wall., 259); *University v. Finch* (1873) (18 Wall., 106, 111).

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(9) *As to power of the Government to license trade with the enemy.*  
See especially *United States v. Lane* (1868) (8 Wall., 185, 195);  
*Hamilton v. Dillin* (1874) (21 Wall., 73, 97):

"\* \* \* The power of the Government to impose such conditions upon commercial intercourse with an enemy in time of war as it sees fit is undoubted. It is a power which every other government in the world claims and exercises and which belongs to the Government of the United States as incident to the power to declare war and to carry it to a successful termination."

(10) *As to effect of war on statutes of limitation.*  
See *Stewart v. Kahn* (1870) (11 Wall., 493); *United States v. Wiley* (1870) (11 Wall., 508); *The Protector* (1869) (9 Wall., 687); *Hanger v. Abbott* (1867) (6 Wall., 532).

(11) *As to rights of alien enemies resident in the United States.*  
See *Clarke v. Morey* (1813) (10 Johns, 69); *Seymour v. Bailey* (1872) (66 Ill., 288); *Princess v. Moffett* (1914) (W. N., 379); *Volkil v. Governors* (1914) (2 I. R., 542); *Forrestier v. Bordman* (1839) (1 Story, 43); *Hallet v. Jenks* (1805) (3 Cranch, 210); *Brown v. United States* (1814) (8 Cranch, 110); *Case of Fries* (1799) (9 Fed. Cases No. 5126, pp. 830-832); *Lockington v. Smith* (1819) (1 Peters Circ. Ct., 466, 472); *In re Lockington, Brightly, N. Dak.* (Pa.), 269; Revised Statutes, sections 4067-4070; President's Proclamation of April 6, 1917, as to alien enemies.

## II.

### ENGLISH CASES DURING THE PRESENT EUROPEAN WAR.

A. *How far under the English law English corporations controlled by German stockholders are to be regarded as enemy.*  
*Amorduct Manufacturing Co. v. Debrics & Co.* (84 L. J. (K. B.) 586; 112 L. T. 131; 31 T. L. R. 69; 59 S. J. 91); *Rubber Co. v. Daimler Co.* (C. A. (1915) 1 K. B. 893; 84 L. J. K. B. 926; 20 Com. Cas. 209; (1915) W. N. 44; 59 S. J. 232); *Daimler Co. v. The Continental Tyre & Rubber Co.* (H. L. (E) (1916) 2 A. C. 307; 85 L. J. (K. B.) 1333; 114 L. T. 1049; (1916) W. N. 269; 22 Com. Cas. 32; 32 T. L. R. 624; 60 S. J. 602); *In re Hilches Ex parte Muhesa Rubber Plantations (Ltd.)* (C. A. (1917) 1 K. B. 48; 86 L. J. (K. B.) 204; (1916) H. B. R. 160; 115 L. T. 490; 33 T. L. R. 28). See also *Societe Anonyme Belge des Mines d'Aljustrel v. Anglo-Belgian Agency* (July 30, 1915) (31 T. L. R. 624).

B. *What constitutes trading with the enemy?*  
*Moss v. Donohoe* (J. C. 32 T. L. R. 343). It is trading with the enemy to order from an American company with a branch in Rotterdam gin which the defendant knew was sent by such branch to Hamburg, Germany, for bottling.

*The Panariellos* (85 L. J. (P.) 112; 114 L. T. 670; 32 T. L. R. 459; 60 S. J. 427). A British subject dispatched goods after the outbreak of war and with knowledge of it from a foreign port for delivery as directed by an enemy firm and for their benefit.

*Held*, that this constituted trading with the enemy and the goods were forfeit.

*Stephen M. Weld & Co. v. Fruhling Goshen* (1916) (W. N. 187; 32 T. L. R. 469). The plaintiffs were partners in a German firm and a draft for a part of the profits of the German firm



was drawn and accepted before war began by the defendants. The draft was paid over to the plaintiffs, an American firm, after war was declared and the defendants refused payment.

Judgment for the defendants, it being a transfer on behalf of an enemy.

In re Aramayo Francke Mines (Ltd.) (C. A. (1917) 1 Ch. 451; 86 L. J. (Ch.) 225; 116 L. T. 54; (1917) W. N. 36; 33 T. L. R. 176). When a corporation incorporated in England and doing business in Bolivia for the benefit of the allies attempts, in order to avoid taxes, to transfer the assets to a corporation incorporated in Switzerland, the court held that an order should be made appointing a controller under the trading with the enemy act to prohibit that action.

C. *What constitutes trading for the benefit of the enemy?*

Rex v. Kupfer (1915) (2 K. B. 321). Kupfer in England made payments to an English bank to be transmitted to a Dutch house to which it was proved Kupfer had been indebted before the war.

Held, this was a payment for the benefit of the enemy.

D. *Trading with branches of enemy concerns in allied territory.*

Wolf v. Carr, Parker & Co. (Apr. 29, 1915) (31 T. L. R. 407).

E. *Contracts of insurance.*

W. L. Ingle v. Mannheim Insurance Co., (1915) (1 K. B. 227; 84 L. J. (K. B.) 491; 112 L. T. 510). A suit may be maintained against a branch of an alien enemy insurance company situated in England on a policy issued before the war. The loss occurred subsequently and a claim to recover such a loss is not a "transaction with the enemy."

F. *Appointment of a custodian and distribution of the assets and details of administration under the peculiar provisions of the English trading with the enemy act.*

Stevenson & Sons (Ltd.) v. Aktiengesellschaft (C. A. 115 L. T. 594; 33 T. L. R. 84; C. A. (1917) 1 K. B. 842; 32 T. L. R. 84; 61 S. J. 146). The plaintiffs, an English company, were, at the outbreak of the war between England and Germany, sole agents in England for the defendants, a German company. There was also a partnership relation between the two.

Held, that both agency and partnership were terminated at the outbreak of war, and that the determination as to what should be done with that portion of the plaintiff's assets which should belong to the German partners was one for Parliament to determine.

On appeal, held, that lower court was right in regard to the agency and partnership and that the enemy partner was entitled to a share of the profits made after the dissolution by the English corporation carrying on the business with the aid of the enemy partners' capital.

In re Kastner & Co., Auto-Piano Co. v. Kastner & Co. (1917) (1 Ch., 390; 86 L. J. (Ch.), 235; 116 L. T., 62; (1917) W. N., 15; 33 T. L. R., 149.) Schmidt v. Van der Veen & Co. (84 L. J. (K. B.), 861; 112 L. T., 991; 31 T. L. R., 214.) In re W. Hagelberg Aktiengesellschaft (1916), 2 Ch., 503; (1916) W. N., 335. In re Fried Krupp Aktien-Gesellschaft, (1916) 2 Ch., 194; 114 L. T., 1026; (1916) W. N., 234; 32 T. L. R., 553; (1917) W. N., 171.

(a) *Right of a custodian of a corporation to vote the shares.*

In re R. Pharoan et Fils, C. A.; (1916) 1 Ch., 1; 85 L. J. (Ch.), 68; (1915) H. B. R., 332; 113 L. T., 1138; (1915) W. N., 340; 32 T. L.

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A custodian in whom are vested shares in an English company, formerly belonging to an enemy, may vote the shares as if he was himself the stockholder.

(b). Right of alien enemy to vote his shares.  
 Pioneer Oil & Pine Line Co.,

(b) *Right of alien enemy to vote his shares.*  
*Robson v. Premier Oil & Pipe Line Co., C. A. (1915), 2 Ch. 124;*  
*84 L. J. (Ch.), 629; 118 L. T., 523.*  
*State of war an alien enemy may not vote shares held in*

Robson v. Premier Oil & Ice Co. (1914) 118 L. T. 523.  
 84 L. J. (Ch.), 629; 118 L. T., 523.  
 During a state of war an alien enemy may not vote shares held in English company, but right of voting is suspended until after war.  
*Right of alien enemy to sue and be sued.* Motor Co. (32 B. P. C.

(a) *Right of alien enemy to sue and be sued.*  
Mercedes Daimler Motor Co. v. Maudsley Motor Co. (32 R. P. C. 149; (1915) W. N. 54; 31 T. L. R. 178).

Two companies sued as coplaintiffs for patent infringement. Agreement between them provided British company had sole right to sue for infringement and could join alien enemy as coplaintiff on certain notice. ... of the alien enemy not relevant, and British company

Held, will of the alien enemy not relevant, and British company had right to sue alone.

Turn & Taxis v. Moffett (1915) (1 Ch. 58; 84 L. J. (Ch.) 220; 112 L. T. 114).

An alien enemy's wife residing and duly registered in England may sue upon her individual rights. *Loganfield* (1915) (W. N. 400; 32 T. L. R. 1).

Halsey et al. v. Lowenfeld (1915) (W. N. 400; 32 T. L. R. 1).

Halsey et al. v. Lowenfeld (1915) (W. N. 400; 32 L. R. 17).  
Held, that an action might be brought against an alien enemy on a *loïse* for rent occurring after commencement of war.  
Cromwell (1914) (2 L. R. 543); Porter v. Frindenberg (1914) (2 L. R. 1001); 30 Com. Cas.

Held, that an action might be brought for the recovery of a  
a lease for rent occurring after commencement of war. *Porter v. Friandenberg*  
*Vokl v. Governors* (1914) (2 L. R. 543); *Porter v. Friandenberg*  
*et al.*, C. A. (1915) (1 K. B. 857; 84 L. J. K. B. 1001; 20 Com. Cas.  
189).

et al., C. A. (1915) (1 R. 27, 307, 189).  
 Alien enemy can not sue unless within the realm by license of the King. He may be sued in the King's courts.  
*Benjamin Baden Clock Co. v. Gent & Son* (84 L. J. (K. B.),

King. He may be sued in the King's courts.  
J. B. Rombach Baden Clock Co. v. Gent & Son (84 L. J. (K. B.),  
1558; 31 T. L. R., 492).

On dissolution of a partnership in England between a naturalized British subject and alien enemies, the former being appointed receiver, it was held the latter could sue for partnership debts which defendants could not withhold as payments to the enemy. Ex parte Boussmacher (1806) (13 Ves., 71), and Mercedes Daimler Motor Co. v. Mandslay Motor Co. (1915) (31 T. L. R.) followed.

(b) Stay of suit due to outbreak of war.

(b) *Stay of suit due to outbreak of war.*  
*Robinson & Co. v. Mannheim Continental Insurance Co.* (1915)  
 (1 K. B., 155; 84 L. J. (K. B.), 238; 20 Com. Cas., 125); *In re Mary,*  
*Duchess of Sutherland, et al. v. Burns et al.* (C. A. 31 L. T. R. 394).  
 Commencement of war does not give right to have action stayed  
 when brought before by British plaintiffs against a German insurance  
 company.

(c) Internment of alien enemy plaintiff.  
Goldberg (C. A. (1915))

(c) *Internment of alien enemy plaintiff.*  
*Schaffenius v. Goldberg* (C. A. (1915) W. N. 388; 32 L. T. R., 133).  
 Internment of alien enemy plaintiff did not affect his right to prosecute an action brought by him as registered alien before internment.

(d) *Right of appeal.*

(d) *Right of appeal.*  
Porter v. Freudenberg (C. A. (1915), 1 J. B., 857; 84 L. J. (K. B.), 1001; 20 Com. Cas., 189); Orenstein & Koppel v. Egyptian Phosphate Co. Ct. Sess. (Sc.) (1915 S. C. 55); A. A. F. in Berlin Chem. Works v. Levinstein (C. A. 84 L. J. (Ch.), 842; 32 R. P. C., 140; 112 L. T., 1001). The action commenced before war.

Welsbach Light Co. of Australasia (Ltd.) v. Commonwealth of Australia and Attorney General of Australia (J. C. 33 T. L. R., 332). The Attorney General of Australia, acting under the trading with the enemy act, made a declaration that the petitioners were carried on for the benefit of enemies and succeeded in bringing the business to a standstill. They brought action against him denying his allegation and alleging that his act was ultra vires. A demurrer was sustained and the appeal to His Majesty in council denied.

H. *All executory contracts become invalid on breaking out of war.* Arnold Karberg & Co. v. Blythe, Green, Jourdan & Co. (C. A. 60 S. J., 156); Duncan Fox & Co. v. Schrempf & Co. (C. A. (1915) 3 K. B., 355; 84 L. J. (K. B.), 2206; 20 Com. Cas., 337; 113 L. T., 600); Grey (Edward) & Co. v. Tolme & Runge (31 T. L. R., 551); In re Shipton, Anderson & Co. (Div. Ct. (1915), 3 K. B., 676; 84 L. J. (K. B.), 2137; (1915) W. N., 304; 31 T. L. R., 598); Stevenson v. Aktien Gesellschaft (1916) (1 K. B., 763); Distington Hematite Iron Co. v. Possehl & Co. (1916), (1 K. B., 811; 85 L. J. (K. B.), 919; (1916) W. N., 117; 32 T. L. R. 349). A contract between an English company and a German firm provided that the German firm was to take a certain quantity of pig iron yearly, but upon failure to do so would incur no liability other than the loss of control of the output. The vendor agreed that the purchaser should be considered as its sole agent. It was held that as this contract involved a continuing effort on both sides, it was dissolved, and not merely suspended, on the outbreak of war.

Zinc Corporation Ltd. v. Hirsh (C. A. (1916), 1 K. B., 541; 85 L. J.; K. B., 565; 21 Com. Cas., 273; 114 L. T., 222; (1916), W. N., 11; 32 T. L. R., 232). The plaintiffs, an English company, made a continuing contract to sell to a German company the entire production of zinc concentrates from their mine in Australia. The contract contained a prohibition against the plaintiffs selling to anyone else, and further enumerated various causes which were stipulated as reasons for a failure to deliver the concentrates. War was not specified as a cause of suspension.

It was held that if war was construed as a cause of suspension of delivery, it would result in a construction of the contract as still existing, with the result that the prohibition upon the plaintiffs against selling to any but the German purchaser would be operative, and that therefore it was for the public good to consider the cancellation of the contract as having occurred from the outbreak of the war.

#### I. Agency.

Tingley v. Muller (C. A. (1917), W. N., 180; 116 L. T. 482; 33 T. L. R., 369; 61 S. J., 478). A contract for the sale of land was entered into between an English purchaser and a German resident in England and a deposit paid. The vendor left for Germany, becoming an alien enemy, but left a power of attorney in an English solicitor to complete the sale. *Held*, that the power of attorney was not revoked by the vendor becoming an alien enemy.

Maxwell v. Grunbert (C. A., 31; T. L. R., 79). An agent in England of an alien enemy principal is not entitled to bring an action for a decree that he is entitled to called debts and for appointment of a receiver.

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# REVIEW OF THE UNITED NATIONS CHARTER

A COLLECTION OF DOCUMENTS

SUBCOMMITTEE ON THE UNITED NATIONS  
CHARTER

Pursuant to S. Res. 126

83d Congress, 1st Session



PRESENTED BY MR. WILEY

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### 35. APPROPRIATIONS LIMITATION ON CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS, JULY 10, 1952\*\*

#### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary to meet annual obligations to international organizations, the Government of Panama, and Gorgas Memorial Institute, pursuant to treaties, conventions, or specific Acts of Congress, \$30,484,749. No representative of the United States Government in any international organization after fiscal year 1953 shall make any commitment requiring the appropriation of funds for a contribution by the United States in excess of 33⅓ per centum of the budget of any international organization for which the appropriation for the United States contribution is contained in this Act: *Provided, however,* That this section shall not apply to the United States representatives to the inter-American organizations.

No representative of the United States Government to any international organization of which the United States is not now a member shall, unless specifically authorized in an appropriation Act or other law, make any commitment requiring the appropriation of funds for a contribution by the United States in excess of 33⅓ per centum of the budget of such international organization.

### 36. ACT PRESCRIBING THE POSITION OF THE UNITED NATIONS FLAG TO THE UNITED STATES FLAG, JULY 9, 1953\*\*

#### AN ACT

To prohibit the display of flags of international organizations or other nations in equal or superior prominence or honor to the flag of the United States except under specified circumstances, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 (c) of the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942, as amended (36 U. S. C., sec. 175 (c)), is amended by adding at the end thereof the following new sentence:

"No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.*"

Approved July 9, 1953.

\*\* Public Law 495, 82d Cong., 2d sess., pp. 2-3. This provision in the Departments of State, Justice, Commerce, and the Judiciary Appropriations Act, 1953, had been contained in previous such acts but was dropped in the 1954 act because of assurances that future United States assessments for the United Nations would not exceed 33⅓ percent of the U. N. budget.

\*\* Public Law 107, 83d Cong., 1st sess. See document 47.

### 37. REPORT OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS ON EXPRESSING THE SENSE OF CONGRESS THAT THE CHINESE COMMUNISTS ARE NOT ENTITLED TO AND SHOULD NOT BE RECOGNIZED TO REPRESENT CHINA IN THE UNITED NATIONS, JULY 10, 1953"

The Committee on Foreign Affairs, to whom was referred the concurrent resolution (H. Con. Res. 129) expressing the sense of the Congress that the Chinese Communists are not entitled to and should not be recognized to represent China in the United Nations, having considered the same, report favorably thereon without amendment and recommend that the concurrent resolution do pass.

The Congress, particularly the House of Representatives, has shown a continuing concern that the United Nations might seat a representative of the Chinese Communists in place of the representative of the National Government of the Republic of China. This attitude by the Congress arises from an understanding of the nature of the Communist regime in China and its active participation in the aggression against the Republic of Korea. In 1948 the committee's report on the strategy and tactics of world communism included a special study on communism in China. The report stated that "Chinese communism is regular communism" and its adherents "have followed faithfully every zigzag of the Kremlin's line for a generation." Less than 7 months after the invasion of Korea the House approved a resolution urging the United Nations to "declare the Chinese Communist authorities an aggressor in Korea." In May 1951 the House passed a resolution expressing its view "that the Chinese Communist authorities should not be permitted to represent China in the United Nations."

This concern is presently heightened by the truce negotiations that may be followed by an armistice and a political settlement. It is reasonable to expect that the Chinese Communists may hold out for a seat in the United Nations as a quid pro quo for an armistice or a political settlement. The purpose of House Concurrent Resolution 129 is to reaffirm earlier congressional expressions on the subject. The genesis of House Concurrent Resolution 129 is House Resolution 307 introduced by the Honorable Laurie C. Battle on June 27, 1953, and House Resolution 308 introduced on the same day by the Honorable Marguerite Stitt Church. These resolutions were identical. They stated that it is the sense of the House "that the Chinese Communist authorities should not be admitted to membership in the United Nations to represent China." The subcommittee on the Far East and the Pacific, under the chairmanship of the Honorable Walter H. Judd, considered both resolutions and recommended to the full committee a concurrent resolution with slightly altered language. After a complete exploration by the full committee of the different issues involved, House Concurrent Resolution 129 was unanimously approved and introduced as a committee resolution by the Honorable Robert B. Chipfield, chairman of the committee. Thus the resolution is a carefully thought out expression of congressional intention.

\*\* H. Rept. No. 768, 83d Cong., 1st sess. The resolution that this report accompanied did not pass the House prior to adjournment on August 8, 1953. In lieu thereof the House agreed to the Senate amendment to the Department of State Appropriations Act, 1954, which appears as document 40.

cluded that these policies and their consequences are contrary to the Charter and the Universal Declaration of Human Rights,

Noting that the Commission had also concluded that:

(a) "It is highly unlikely, and indeed improbable, that the policy of *apartheid* will ever be willingly accepted by the masses subjected to discrimination", and

(b) That the continuance of this policy would make peaceful solutions increasingly difficult and endanger friendly relations among nations,

Noting further that the Commission considers it desirable that the United Nations should request the Government of the Union of South Africa to reconsider the components of its policy towards various ethnic groups.

Considering that, in the Commission's own opinion, the time available was too short for a thorough study of all the aspects of the problems assigned to it,

Considering also the Commission's view that one of the difficulties encountered by it was the lack of co-operation from the Government of the Union of South Africa and, in particular, its refusal to permit the Commission to enter its territory,

1. *Reaffirms* its resolutions 103 (I) of 19 November 1946, 377 A (V), section E, of 3 November 1950 and 616 B (VII) of 5 December 1952, particularly the passages in those resolutions which state respectively that "it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination"; that "enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for an observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries"; and that "in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring the equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality";

2. *Expresses appreciation* of the work of the United Nations Commission on the Racial Situation in the Union of South Africa;

3. *Decides* that should any of the members of the Commission be unable to continue their membership, the member or members concerned shall, if the General Assembly is not sitting, be replaced by a person or persons appointed by the present President of the General Assembly in consultation with the Secretary-General;

4. *Requests* the Commission:

(a) To continue its study of the development of the racial situation in the Union of South Africa:

(i) With reference to the various implications of the situation for the populations affected;

(ii) In relation to the provisions of the Charter and, in particular, to Article 14;

(b) To suggest measures which would help to alleviate the situation and promote a peaceful settlement;

5. Invites the Government of the Union of South Africa to extend its full co-operation to the Commission;

6. *Requests* the Commission to report to the General Assembly at its ninth session.

### c. Treaties and Domestic Law

#### 68. VIEW OF THE FOUR SPONSORING GOVERNMENTS: ABSTRACT OF STATEMENT BY HON. JOHN FOSTER DULLES, UNITED STATES DELEGATION, ON DOMESTIC JURISDICTION CLAUSE OF THE CHARTER, SAN FRANCISCO CONFERENCE, 1945\*

In his exposition of the intent of Article 8, Mr. Dulles emphasized that the four-power amendment dealt with domestic jurisdiction as a basic principle, and not, as had been the case in the original Dumbarton Oaks Proposals and in Article 15 of the Covenant of the League of Nations, as a technical and legalistic formula designed to deal with the settlement of disputes by the Security Council. This change in concept had been caused, he explained, by the change in the character of the Organization as planned in the discussions at San Francisco. The scope of the Organization was now broadened to include functions which would enable the Organization to eradicate the underlying causes of war as well as to deal with crises leading to war. Under the Social and Economic Council the Organization would deal with economic and social problems. This broadening of the scope of the Organization constituted a great advance, but it also engendered special problems.

For instance, the question had been raised as to what would be the basic relation of the Organization to member states: Would the Organization deal with the governments of the member states, or would the Organization penetrate directly into the domestic life and social economy of the member states? As provided in the amendment of the sponsoring governments, Mr. Dulles pointed out that this principle would require the Organization to deal with the governments. Under the Economic and Social Council the Organization had a mandate to raise the standards of living and foster employment, etc., but no one in the 16 member Council would go behind the governments in order to impose its desires. The amendment recognized the distinct value of the individual social life of each state.

In reply to the contention that domestic jurisdiction should be determined in accordance with international law, Mr. Dulles again pointed out that international law was subject to constant change and therefore escaped definition. It would, in any case, be difficult to define whether or not a given situation came within the domestic jurisdiction of a state. In this era the whole internal life of a country was affected by foreign conditions. He did not consider that it would be practicable to provide that the World Court determine the limitations of domestic jurisdiction or that it should be called upon to give

\* United Nations Conference on International Organization. Documents. Volume VI. United Nations Information Organizations, New York, 1946. pp. 507-508.

advisory opinions since some countries would probably not accept the compulsory jurisdiction clause.

In summary, Mr. Dulles stressed the virtues of the principle—its breadth and its simplicity. The Organization in none of its branches or organs should intervene in what was essentially the domestic life of the member states. Moreover, this principle was subject to evolution. The United States had had long experience in dealing with a parallel problem, i. e., the relationship between the forty-eight states and the Federal Government. Today, the Federal Government of the United States exercised an authority undreamed of when the Constitution was formed, and the people of the United States were grateful for the simple conceptions contained in their Constitution. In like manner, Mr. Dulles foresaw that if the Charter contained simple and broad principles future generations would be thankful to the men at San Francisco who had drafted it.

The Chairman moved a vote of thanks to Mr. Dulles for his masterly exposition of the problem of domestic jurisdiction, and Mr. Evatt rose to second this motion.

#### 69. SEI FUJII v. THE STATE OF CALIFORNIA

*i. Opinion of the District Court of Appeal, Second District, Division 2, California, April 24, 1950\**

(Excerpts)

WILSON, Justice.

The sole question on this appeal is the validity and enforceability of the Alien Land Law, sometimes referred to as the Alien Property Initiative Act of 1920. Stats 1921, p. lxxxiii, 1 Deering's Gen. Laws, 1944 ed., p. 129, Act 261.

Pursuant to permission to sue the State of California granted by section 738.5 of the Code of Civil Procedure plaintiff brought this action for the purpose of obtaining a determination whether or not an escheat has occurred under the provisions of the Alien Land Law as to real property which he acquired by grant deed in July, 1948. An answer was filed by the State alleging as a defense that plaintiff was born in Japan; that he is ineligible to become a citizen of the United States by reason of the naturalization laws, and that by virtue of the provisions of the Alien Land Law he "is not qualified or permitted to acquire, possess, enjoy, use, cultivate, occupy or transfer real property or any interest therein in the State of California, or to have in whole or in part the beneficial use thereof."

In the period of thirty years since the Alien Land Law was adopted we have revised our opinions concerning the rights of other peoples. Out of the travail of World War II came the concept of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" as expressed in the Charter of the United Nations. 59 Stat. 1035 ff.; U. S. Code Cong. Service, 79th Congress, 1945, p. 964.

The government of the United States has traditionally been the leader in espousing the rights of man and has championed the cause

of the smaller and less privileged nations. The war of 1898 was fought in support of an oppressed country. The efforts of our government in this regard reached fruition in the convention of representatives of the nations of the earth at which the Charter of the United Nations was adopted. It was promptly ratified by the Senate of the United States, thereby proclaiming allegiance to its principles and providing precedent and example for other countries. The United States has consistently regarded its treaties with other nations as inviolate.

The Charter has become "the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U. S. Const., Art. VI, sec. 2. The position of this country in the family of nations forbids trafficking in innocuous generalities but demands that every State in the Union accept and act upon the Charter according to its plain language and its unmistakable purpose and intent.

Since the Charter is now the supreme law of the land it becomes necessary to examine its provisions and guarantees and to interpret it in the light in which it was adopted by the participating nations. The Organization determined in the preamble "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, \* \* \* to promote social progress and better standards of life in larger freedom \* \* \*." Among the Purposes and Principles found in Article 1 of Chapter I are "To develop friendly relations among nations based on respect for the principle of equal rights \* \* \* ; To achieve international cooperation \* \* \* in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion \* \* \*." In Article 2 it is affirmed that the Organization and its members "shall fulfil in good faith the obligations assumed by them in accordance with the present Charter."

It is agreed in Chapter IX, Article 55, that "the United Nations shall promote \* \* \* universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." By Article 56 it is declared that "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

In the address of the President of the United States to the Senate on July 2, 1945, urging the prompt ratification of the Charter by that body he said: "It seeks to promote world-wide progress and better standards of living."

"It seeks to achieve universal respect for, and observance of, human rights and fundamental freedoms for all men and women without distinction as to race, language or religion."

"It seeks to remove the economic and social causes of international conflict and unrest."

"It is the product of many hands and many influences. It comes from the reality of experience in a world where one generation has failed twice to keep the peace. The lessons of that experience have been written into the document." U. S. Code Cong. Service, supra, pp. 961-962.

On December 10, 1948, the General Assembly of the United Nations passed and proclaimed and called upon all member countries to publi-

\* Pacific Reporter, Second Series, Volume 217. St. Paul, West Publishing Company, 1950. pp. 461-468.



cize, disseminate and expound in schools and elsewhere, a "Universal Declaration of Human Rights" affirming among other things that "All human beings are born free and equal in dignity and rights. They \* \* \* should act toward one another in a spirit of brotherhood."

★ [Art. 1.] Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. [Art. 2.] \* \* \* Everyone has the right to own property alone as well as in association with others." [Art. 17.] This Declaration implements and emphasizes the purposes and aims of the United Nations and its Charter.

Democracy provides a way of life that is helpful; however its promises of human betterment are but vain expressions of hope unless ideals of justice and equity are put into practice among governments, and as well between government and citizen, and are held to be paramount. The integrity and vitality of the Charter and the confidence which it inspires would wane and eventually be brought to naught by failure to act according to its announced purposes. Its survival is contingent upon the degree of reverence shown for it by the contracting nations, their governmental subdivisions and their citizens as well.

This nation can be true to its pledge to the other signatories to the Charter only by cooperating in the purposes that are so plainly expressed in it and by removing every obstacle to the fulfillment of such purposes.

A perusal of the Charter renders it manifest that restrictions contained in the Alien Land Law are in direct conflict with the plain terms of the Charter above quoted and with the purposes announced therein by its framers. It is incompatible with Article 17 of the Declaration of Human Rights which proclaims the right of everyone to own property. We have shown that the expansion by the Congress of the classes of nationals eligible to citizenship has correspondingly shrunk the group ineligible under the provisions of the Alien Land Law to own or lease land in California until the latter now consists in reality of a very small number of Japanese. The other Asiatics who still remain on the proscribed list are so few that they need not be considered.

Clearly such a discrimination against a people of one race is contrary both to the letter and to the spirit of the Charter which, as a treaty, is paramount to every law of every state in conflict with it. The Alien Land Law must therefore yield to the treaty as the superior authority. The restrictions of the statute based on eligibility to citizenship, but which ultimately and actually are referable to race or color, must be and are therefore declared untenable and unenforceable.

Judgment reversed with directions to enter a decree in favor of plaintiff in accord with the prayer of his complaint.

MOORE, P. J., and McCOMB, J., concur.

ii. *Opinion of the Supreme Court of California, in Bank, April 17, 1952*

(Excerpts)

GIBSON, Chief Justice.

Plaintiff, an alien Japanese who is ineligible to citizenship under our naturalization laws, appeals from a judgment declaring that certain

land purchased by him in 1948 had escheated to the state. There is no treaty between this country and Japan which confers upon plaintiff the right to own land, and the sole question presented on this appeal is the validity of the California alien land law.

### United Nations Charter

It is first contended that the land law has been invalidated and superseded by the provisions of the United Nations Charter pledging the member nations to promote the observance of human rights and fundamental freedoms without distinction as to race. Plaintiff relies on statements in the preamble and in Articles 1, 55 and 56 of the Charter, 59 Stat. 1035.

★ It is not disputed that the Charter is a treaty, and our federal Constitution provides that treaties made under the authority of the United States are part of the supreme law of the land and that the judges in every state are bound thereby. U. S. Const., art. VI. A treaty, however, does not automatically supersede local laws which are inconsistent with it unless the treaty provisions are self-executing. In the words of Chief Justice Marshall: A treaty is "to be regarded in courts of justice as equivalent to an act of the Legislature, whenever it operates of itself, without the aid of any legislative provision. But when the terms of the stipulation import a contract—when either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department; and the Legislature must execute the contract, before it can become a rule for the court." Foster v. Neilson, 1829, 2 Pet. 253, 314, 7 L. Ed. 415.

In determining whether a treaty is self-executing courts look to the intent of the signatory parties as manifested by the language of the instrument, and, if the instrument is uncertain, recourse may be had to the circumstances surrounding its execution. See Foster v. Neilson, 2 Pet. 253, 310-316, 7 L. Ed. 415; United States v. Percheman, 7 Pet. 51, 58-59, 8 L. Ed. 601; Jones v. Meehan, 175 U. S. 1, 10-23, 20 S. Ct. 1, 5-10, 44 L. Ed. 49; Chew Heong v. United States, 112 U. S. 536, 539-543, 5 S. Ct. 255, 256-258, 28 L. Ed. 770; Cook v. United States, 288 U. S. 102, 119, 53 S. Ct. 305, 311, 77 L. Ed. 641; cf. Nielsen v. Johnson, 279 U. S. 47, 52, 49 S. Ct. 223, 224, 73 L. Ed. 607. In order for a treaty provision to be operative without the aid of implementing legislation, and to have the force and effect of a statute, it must appear that the framers of the treaty intended to prescribe a rule that, standing alone, would be enforceable in the courts. See Head Money Cases [Edye v. Robertson] 112 U. S. 580, 598, 5 S. Ct. 247, 254, 28 L. Ed. 798; Whitney v. Robertson, 124 U. S. 190, 194, 8 S. Ct. 456, 458, 31 L. Ed. 386; Cook v. United States, 288 U. S. 102, 118-119, 53 S. Ct. 305, 311, 77 L. Ed. 641; Valentine v. United States, 299 U. S. 5, 10, 57 S. Ct. 100, 103, 81 L. Ed. 5; Bacardi Corp. v. Domenech, 311 U. S. 150, 161, 61 S. Ct. 219, 225, 85 L. Ed. 98.

It is clear that the provisions of the preamble and of Article 1 of the charter which are claimed to be in conflict with the alien land law are not self-executing. They state general purposes and objectives of the United Nations Organization and do not purport to impose legal



obligations on the individual member nations or to create rights in private persons. It is equally clear that none of the other provisions relied on by plaintiff is self-executing. Article 55 declares that the United Nations "shall promote: \* \* \* universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion," and in Article 56, the member nations "pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55." Although the member nations have obligated themselves to cooperate with the international organization in promoting respect for, and observance of, human rights, it is plain that it was contemplated that future legislative action by the several nations would be required to accomplish the declared objectives, and there is nothing to indicate that these provisions were intended to become rules of law for the courts of this country upon the ratification of the charter.

The language used in Articles 55 and 56 is not the type customarily employed in treaties which have been held to be self-executing and to create rights and duties in individuals. For example, the treaty involved in *Clark v. Allen*, 331 U. S. 503, 507-508, 67 S. Ct. 1431, 1434, 91 L. Ed. 1633, relating to the rights of a national of one country to inherit real property located in another country, specifically provided that "such national shall be allowed a term of three years in which to sell the [property] \* \* \* and withdraw the proceeds \* \* \*" free from any discriminatory taxation. See, also, *Hauenstein v. Lynham*, 100 U. S. 483, 488-490, 25 L. Ed. 628. In *Nielsen v. Johnson*, 279 U. S. 47, 50, 49 S. Ct. 223, 73 L. Ed. 607, the provision treated as being self-executing was equally definite. There each of the signatory parties agreed that "no higher or other duties, charges, or taxes of any kind, shall be levied" by one country on removal of property therefrom by citizens of the other country "than are or shall be payable in each state, upon the same, when removed by a citizen or subject of such state respectively." In other instances treaty provisions were enforced without implementing legislation where they prescribed in detail the rules governing rights and obligations of individuals or specifically provided that citizens of one nation shall have the same rights while in the other country as are enjoyed by that country's own citizens. *Bacardi Corp. v. Domenech*, 311 U. S. 150, 158-159, 61 S. Ct. 219, 224, 85 L. Ed. 98; *Asakura v. City of Seattle*, 265 U. S. 332, 340, 44 S. Ct. 515, 516, 68 L. Ed. 1041; see *Maiorano v. Baltimore & Ohio R. Co.*, 213 U. S. 268, 273-274, 29 S. Ct. 424, 425-426, 53 L. Ed. 792; *Chew Heong v. United States*, 112 U. S. 536, 541-542, 5 S. Ct. 255, 257, 28 L. Ed. 770.

It is significant to note that when the framers of the charter intended to make certain provisions effective without the aid of implementing legislation they employed language which is clear and definite and manifests that intention. For example, Article 104 provides: "The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes." Article 105 provides: "1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its

purposes. 2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization." In *Curran v. City of New York*, 191 Misc. 229, 77 N. Y. S. 2d 206, 212, these articles were treated as being self-executory. See, also, *Balfour, Guthrie & Co. v. United States*, D. C., 90 F. Supp. 831, 832.

The provisions in the charter pledging cooperation in promoting observance of fundamental freedoms lack the mandatory quality and definiteness which would indicate an intent to create justiciable rights in private persons immediately upon ratification. Instead, they are framed as a promise of future action by the member nations. Secretary of State Stettinius, Chairman of the United States delegation at the San Francisco Conference where the charter was drafted, stated in his report to President Truman that Article 56 "pledges the various countries to cooperate with the organization by joint and separate action in the achievement of the economic and social objectives of the organization without infringing upon their right to order their national affairs according to their own best ability, in their own way, and in accordance with their own political and economic institutions and processes." Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, the Secretary of State, Department of State Publication 2349, Conference Series 71, p. 115; Hearings before the Committee on Foreign Relations, United States Senate [Revised] July 9-13, 1945, p. 106. The same view was repeatedly expressed by delegates of other nations in the debates attending the drafting of article 56. See U. N. C. I. O. Doc. 699, II/3/40, May 30, 1945, pp. 1-3; U. N. C. I. O. Doc. 684, II/3/38, May 29, 1945, p. 4; Kelsen, *The Law of the United Nations* [1950], footnote 9, pp. 100-102.

The humane and enlightened objectives of the United Nations Charter are, of course, entitled to respectful consideration by the courts and Legislatures of every member nation, since that document expresses the universal desire of thinking men for peace and for equality of rights and opportunities. The charter represents a moral commitment of foremost importance, and we must not permit the spirit of our pledge to be compromised or disparaged in either our domestic or foreign affairs. We are satisfied, however, that the charter provisions relied on by plaintiff were not intended to supersede existing domestic legislation, and we cannot hold that they operate to invalidate the alien land law.

The judgment is reversed.

70. THE MAKING OF TREATIES AND EXECUTIVE AGREEMENTS:  
STATEMENT BY SECRETARY OF STATE DULLES BEFORE THE SENATE JUDICIARY COMMITTEE, APRIL 6, 1953\*

S. J. Res. 1 and S. J. Res. 43 involve proposals of the utmost importance. They would basically change the Constitution of the

\* Department of State Bulletin, April 20, 1953. pp. 591-593.

CH 31, 1962

KTTY (Channel 11)

60 PAGES

DAILEY 100

## A Boosts et Car, s Fares

Major Changes  
come Effective  
Lines Sunday

**HARRY BERNSTEIN**  
ies Labor Editor

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in line rates.

**Special Fares**  
increasing special fares  
proximately 75% This

# U.S. to Propose End of National Armies

## WHIZZER WHITE GETS SUPREME COURT SEAT

BY ROBERT THOMPSON  
Times Washington Bureau

WASHINGTON — Pres-  
ident Kennedy named  
Dep. Atty. Gen. Byron R.  
(Whizzer) White, a 44-  
year-old Colorado Demo-  
crat and former all-Amer-  
ican football star, to the  
Supreme Court Friday  
night.

White, whose political  
views closely parallel  
those of the President and  
his brother, Atty. Gen.  
Kennedy, will fill the va-  
cancy left by the retire-  
ment of ailing Associate  
Justice Charles Evans  
Whittaker.

The White appointment  
was Mr. Kennedy's first to  
the Supreme Court.

In personally announc-  
ing the assignment from  
his White House office,  
Mr. Kennedy said: "I  
have known Mr. White for  
over 20 years. His char-  
acter, experience and in-

Please Turn to Pg. 11, Col. 1



Byron (Whizzer) White  
UPI Telephoto

## U.N. Force Would Keep Global Peace

GENEVA (UPI).—The  
United States will submit  
to the Geneva disarmament  
conference a plan calling  
for elimination of national  
armies within nine years  
and their replacement by a  
United Nations force, reli-  
able sources said Friday.

The American plan is to  
be submitted to the 17-na-  
tion group to counter a  
viet draft treaty for gene-  
ral and complete disarmament  
within four years, intro-  
duced when the conference  
opened here two weeks ago.

It was understood Secre-  
tary of State Rusk and Wil-  
liam C. Foster, director of  
the arms control and dis-  
armament agency, were  
meeting in Washington with  
their advisers to put the fin-  
ishing touches on the plan.

Undue Advantage



## Special Fares

Increasing special fares proximately 7%. This es rates to such loca- as race tracks and ball

directors voted against commendation by the staff to discontinue the 15-cent reduced rate prior citizens.

ever, MTA officials that the special rate e dropped after 60 days enue is insufficient to up for the losses in-

hur Tryon, head of the y's Senior Citizens' ce Department, pleaded g the public hearing for uation of the special

## Permits Issued

said 62,729 reduced permits already have issued and that a major aign is being conducted rease use of the transit m by retired citizens. arly 50 persons attend- e session, nine of them sting any fare increase. J. Eyraud, MTA chair- emphasized that the it system here is re- se Turn to Pg. 17, Col. 4

## Dominican Mob Tries Grab 'Spies'

NTO DOMINGO. Do- an Republic (UPI) — angry mob trying to two asserted former llo "spies" in the north- port city of Puerto lashed with police soldiers there Friday.

least one person was d when troops opened on-the-mob. Several s were wounded.

e "spies" were named abriel Awad and Fortu- Rodriguez and de- ed as former "hench- of the late dictator, alissimo Rafael L. Tru-

rescued the pair lockside mob and to the local army the crowd then

acter, experience and m- Please Turn to Pg. 11, Col. 1

Byron (Whizzer) White UPI Telephoto

# Will Allow Inspection of A-Plants, U.S. Says

## Officials Sign International Agreement, Express Hope Russia Will Follow Suit

WASHINGTON (AP)—The United States pledged Friday to permit international inspection of four atomic reactors in this country. Officials expressed hope that the Soviet Union will follow suit.

An agreement, described by U.S. specialists as unique, was signed by Harlan Cleveland, assistant secretary of state for international organizations affairs, and by Dr. Sigvard Eklund of Sweden, director general of the International Atomic Energy Agency (IAEA).

## Chance for Training

It permits experts of the international organization, a 77-nation agency under the aegis of the United Nations having headquarters in Vienna, to verify on the spot that the reactors are used only for peaceful purposes.

Officials said this country was not obliged to accept such inspection. Normally IAEA's control personnel have access only to reactors the agency helped to establish, but the United States voluntarily demonstrated its willingness to permit international inspection in this field.

One effect will be to give Please Turn to Pg. 5, Col. 1

## CANDIDATES FOR GOVERNOR VIEW ISSUES

In an exclusive Times feature, the three principal candidates for the governorship of California have given answers to the basic questions on state issues. This comprehensive presentation

## AEC Historian Tells A-Bomb Spying by Reds

WASHINGTON (UPI) — Russia was spying on the U.S. atomic bomb project during World War II, especially in California, well before the first bomb was made and tested, an Atomic Energy Commission book said Friday.

The 781-page book, "The New World—1939-1946," was written by Dr. Richard G. Hewlett, chief historian for the Atomic Energy Commission, and Dr. Oscar E. Anderson Jr., a professional historian. The book is Volume I of the "History of the AEC."

In his own book published Wednesday, Lt. Gen. Leslie R. Groves (ret.), head of the wartime Manhattan A-Bomb Project, says he learned within a week or two after taking the job in September, 1942, that Russia was spying on the project at Berkeley through Communist sympathizers.

Much of the work on developing the bomb was done Please Turn to Pg. 6, Col. 1

their advisers to put the fishing touches on the plan

## Undue Advantage

The West complained that the Russian four-year plan gives the Russians an undue military advantage in the early stages and does not include specific and detailed proposals for international controls to insure each nation destroys its arms on schedule.

The American plan was said to include these precautions as well as a U.N. peace force to maintain international law and order as national defenses are torn down. The Soviet plan omits any mention of a standing peace force.

At Friday's session the Soviet tried to commit the United States to total disarmament within four years but American negotiator Arthur H. Dean told Soviet delegate Valerian Zorin "you cannot build a house without a blue print."

Zorin suggested the conference start taking up the Russian plan point by point and when Dean put the brakes on the proposal Zorin warned that the conference might be heading into another impasse.

## Specific Studies Urged

Dean proposed instead that the 17-nation group set up subcommittees to consider such specific problems as how to end nuclear weapons production, how to destroy or reduce nuclear delivery vehicles, including ships, submarines, planes and rockets, and how to verify such measures.

"These are not problems of language but of substance," Dean said.

Zorin rejected the subcommittee suggestion, first made by Rusk, and said "These problems cannot be solved separately. If we are going to have general and complete disarmament they must all be dealt with at the same time and in a way."

Zorin said the Soviet Please Turn to Pg. 5, Col. 1

## Paris Reports Smashing

# Official Seeking ation in Europe

ry of State to Confer on  
se and Foreign Aid Problems

AKE, Times Foreign News Service

ndersecre- His European visit also  
e W. Ball comes just before the United  
Friday in States launches a new pro-  
reater coe proposal to extract more help  
e United from her NATO partners in  
ense and manning the European de-  
fensive "shield." This is the  
mission so-called "forward strategy,"  
te Amer- which would deploy NATO  
f policies Europe-ground forces close to the  
Europe- Iron Curtain battle lines.  
unity or Ball will confer with eco-  
and with nomic, finance and foreign  
f the 18- ministers in Paris, Bonn and  
for Eco- London before returning to  
and De- Washington next week. He  
was accompanied on his  
flight to Paris by J. Robert  
Schaezel, the new assistant  
secretary of state for Atlan-  
tic affairs, and John Tuthill,  
U.S. representative to  
OECD.

y is Presi-  
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Expects Deficit  
Ball met Friday with  
French Finance Minister  
Valery Giscard d'Estaing  
and Foreign Minister Couve  
de Murville.

Ball's trip follows a report  
to Congress on the U.S. bal-  
ance-of-payments problem  
by Secretary of the Treasury  
Dillon.

Dillon told Congress

## C REACTORS

t Page —The first three are experi-  
mental research reactors;  
to train the Piqua reactor will be  
control the part of the local electrical  
officials system next September.

ed with The number of inspections  
said the depends on the size of the  
"demon- reactor. The Brookhaven  
l principl- graphite research reactor  
lenn T. can be inspected 12 times a  
of the year; the Argonne experi-



Wednesday he expects an-  
other international pay-  
ments deficit this year, the  
fifth in a row. He proposed  
further reductions in U.S.  
spending overseas and great-  
er defense and aid efforts  
by the prosperous European  
industrial states.

President Kennedy has re-  
cently proposed a program  
for progressively closer trad-  
ing relations between the  
United States and the Com-  
mon Market, principally by  
adjusting U.S. tariffs to the  
common external tariff wall  
of the European Economic  
Community.

By 1970 the EEC will  
have abolished all internal  
tariffs.

**Diamond SALE**

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MOUNTED  
- RING  
- LINE

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or Yellow  
Prices  
from  
\$19.50 up

**SAVE More Than 50%**

Entire Diamond Stock

# U.N. ARMY Accor Loan

Continued from First Page  
Union is already to discuss  
any plan put before the con-  
ference — a statement inter-  
preted by western observers  
as a challenge to the United  
States to bring forth its own  
proposals.

British Minister of State  
Joseph Godber, speaking af-  
ter Dean had rejected the So-  
viet proposals, said general  
agreement on certain basic  
issues must be reached be-  
fore they can be put into  
treaty form.

As expected, Poland, Bul-  
garia and Rumania lined up  
behind the Soviets in de-  
manding point-by-point con-  
sideration. Neutral Brazil  
came out in favor of the  
American approach. India  
and the United Arab Repub-  
lic, the only other speakers,  
were on the fence.

The American and Soviet  
co-chairmen, Dean and Zo-  
rin, met privately in the af-  
ternoon to discuss how the  
conference should proceed.

The next session of the  
conference was set for Mon-  
day when the question of  
the deadlocked nuclear test  
ban subcommittee will be  
considered.

WASHINGTON  
legation le-  
White House  
Friday to h:  
legislation to  
Kennedy dis-  
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The comp  
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## Gist: Open Skies Treaty

The Treaty on Open Skies is the most wide-ranging international effort to date to promote the openness of military forces and activities. It is designed to improve mutual understanding and confidence by giving all participating countries, regardless of size, a direct role in gathering information about military forces and activities of concern to them. In Europe, it meets the desire of many countries to build confidence and enhance stability now that the bipolar division of the continent has ended. In other regions, this type of openness and the techniques developed in the treaty could be applied in reducing regional tensions and preventing conflict.

### History of Open Skies

Open Skies was first proposed by President Eisenhower at the Geneva Conference of 1955. The idea was rejected by the Soviet Union.

When President Bush reformulated the Open Skies concept in May 1989, the world was on the verge of rapid change. Open Skies was proposed as a means of confidence-building which would promote and consolidate existing trends toward openness.

Formal negotiations on an Open Skies Treaty began in Ottawa in February 1990 and continued in Budapest in April-May 1990; however, it was apparent that the Soviet Union was not prepared to open all its territory to aerial observation.

After the Ottawa and Budapest stalemates, negotiations were on hold for more than a year, although the United States and other countries kept pressing the issue bilaterally. Only after the abortive August 1991 Moscow coup attempt did the former Soviet Union agree to open all its territory to observation. This cleared the way, and productive negotiations began November 1991 in Vienna. The treaty was signed in Helsinki on March 24, 1992.

### Participation and Implementation

Twenty-four countries participated in the negotiation of the treaty: Belgium, Bulgaria, Byelorussia, Canada, the Czech and Slovak Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russia, Spain, Turkey, Ukraine, the United Kingdom, and the United States. Other republics on the territory of the former Soviet Union may, if they choose, also sign the treaty as initial participants. Georgia did so March 24. Other countries participating in the Conference on Security and Cooperation in Europe were invited as observers to the negotiations, and it is expected that many of them will apply for full participation in the treaty soon after it enters into force. The treaty is open to accession by any interested

country, subject to the agreement of the other participants. It is not restricted geographically.

The treaty establishes an Open Skies Consultative Commission which will meet in Vienna to monitor the operation of the treaty and to discuss and resolve any problems which may arise. The treaty is of unlimited duration and provides for periodic review conferences.

For the United States, the On-Site Inspection Agency (OSIA) will be responsible for conducting and receiving Open Skies flights in coordination with the Department of Defense and other relevant agencies.

Open Skies is not a system for gathering detailed technical intelligence. But it will enable countries to collect basic information on the military capabilities and activities of other countries, thereby enhancing mutual security and confidence. It is explicitly a general purpose observation system and is not tied to any arms control agreement. Participating countries

### Open Skies Treaty Signed

Statement by White House Press Secretary Marlin Fitzwater, Washington, DC, March 24, 1992.

Today, the United States, along with Canada and 22 European nations, signed the Treaty on Open Skies in Helsinki, Finland.

In May 1989, at a time when the immense changes seen in Europe over the past 3 years were just beginning, President Bush proposed that the nations of the North Atlantic Treaty Organization (NATO) and the former Warsaw Pact agree to open their territories to frequent overflights by observation aircraft from the other side. The United States believes that the greater transparency in military activities brought about by such an agreement will help reduce the chances of military confrontation and build confidence in the peaceful intentions of the participating states.

The Open Skies Treaty is the most wide-ranging international confidence-

building regime ever developed, covering the entire territory of North America and nearly all of Europe and the former Soviet Union. Its arrangements for observation flights using photographic, radar, and infrared sensors and its provisions for sharing among participants the information gathered are innovative means to help promote openness and stability in Europe in these uncertain times. Open Skies could also serve as a basis for similar arrangements in other regions of the world where there is a need to build confidence.

The treaty establishes an Open Skies Consultative Commission. In early April, it will convene in Vienna, Austria, to complete work on outstanding technical and cost issues regarding treaty implementation. The treaty will be submitted to the US Senate for its advice and consent to ratification once this work is finished to the satisfaction of all participants. □

may, of course, seek information through Open Skies which would be relevant to arms control agreements to which they are parties.

Raw data obtained from observation flights—for example, film negatives and magnetic tapes—will be shared by the observing and observed countries. Other countries participating in the Open Skies Treaty will be able to purchase copies of data in which they are interested from the observing country. Individual countries are responsible for their own analysis of the raw data.

### Principal Elements of Open Skies

The Open Skies Treaty is based on agreements on territorial openness, the use of observation aircraft, the sensors on board those aircraft, and the quotas of annual flights which each country in the treaty is willing to accept.

**Territory.** The first requirement for a realistic Open Skies system was that all participants agree to make all of their territory accessible to aerial observation. This also was the most difficult question to resolve, given the long tradition of closed areas in the former Soviet Union. It has now been agreed, and specified in the treaty, that all territory is open to observation and that countries may not restrict observation flights for national security reasons. A country may only restrict an observation flight for legitimate reasons of flight safety.

**Aircraft.** Observation flights will be conducted on unarmed aircraft provided either by the observing country or the observed country. The United States and most other participants would have been prepared to have all flights conducted on aircraft provided by the observing country. The option of using aircraft provided by the observed country was included at the request of the former Soviet Union, a position maintained by Russia. All aircraft used in Open Skies will be subjected to rigorous certification and inspection procedures to ensure that the sensors on board meet the stan-

dards of the treaty, and that sensors which are not permitted are not installed.

**Sensors.** Aircraft may be equipped with video cameras, panoramic and framing cameras for daylight photography, infrared line scanning systems which also can operate at night, and synthetic aperture radar which can operate day and night in any weather. The quality of the pictures produced by the cameras on an observation aircraft is designed to make it possible to recognize major items of military equipment, for example, to distinguish between a tank and a truck. A number of other sensors were discussed in the negotiations, but agreement could not be reached for their inclusion in the initial regime. There was, for example, considerable interest in the possibility of installing air sampling equipment. Countries participating in the treaty will consider the addition of this and other categories of sensors during periodic meetings of the Open Skies Consultative Commission. To ensure the fullest possible participation in Open Skies, including by countries lacking advanced sensor technology, the treaty provides that sensors which are used shall be commercially available to all participants.

**Quotas.** Each participating country has agreed to an annual quota of observation flights which it is willing to accept from other participants. Quotas are loosely scaled to the size of the country, with the smallest participants having two or four flights each. The United States and Russia, as the largest participants, have accepted quotas of 42 annual observation flights each. The number of flights actually conducted over a country and which other country conducts them will depend on the particular concerns of individual countries and on how the international situation develops. There is now fairly intense interest in observing the area of the former Soviet Union. However, there is very little interest in observing the United States and Canada. ■

gional sublimits, curb any nation's ability to concentrate forces in a manner threatening to its neighbors.

A stringent verification regime will ensure that reductions proscribed under CPE are carried out. The inspections and information exchanges will make it difficult to hide militarily significant violations of the Treaty. In addition, it will hamper any nation's ability to amass equipment in excess of the Treaty's limits. The verification measures thus act as a hedge against future militarism or political excess and provide a standard by which we can judge the actions of the other signatories. The Treaty's required reductions and provisions for intrusive monitoring constitute obligations that go well beyond the unilateral and bilateral withdrawal agreements the Soviet Union concluded following the revolutions of 1989. As Secretary of State James Baker noted, "Where tens of thousands of Soviet tanks previously were poised for an offensive, now hundreds of inspectors will stand, and this will help ensure stability and provide warning even if political conditions change."

The binding nature of the CPE Treaty, its extensive verification regime and the strict regulations on destruction, location and storage of equipment will make a significant contribution to the security and confidence needed to produce a new, more stable European order.

#### ZONAL LIMITS TO GROUND EQUIPMENT IN ACTIVE UNITS

Ground equipment in active units	Central	Expanded central	Expanded east	Points
Tanks	7,500	18,300	11,800	4,700
Artillery	5,000	9,100	11,000	6,000
Armored combat vehicles	11,200	19,200	21,400	5,900

The CPE Treaty includes geographic sub zones within the overall Atlantic to the Urals region with limits on the amount of active ground equipment which can be stationed in them. Equipment in excess of these limits—up to overall permitted ceilings—must be kept at designated storage sites. The Central, Expanded Central, and Extended zones are "nested". The other words, the Expanded Central Zone includes all of the territory of the Central Zone plus the four Soviet military districts, Italy, France, The United Kingdom, and Denmark.

#### Equipment Ceilings—Atlantic to the Urals

Treaty limited equipment:	Active ceiling per side
Tanks	20,000
Artillery	20,000
Armored combat vehicles	30,000
Combat aircraft	6,800
Attack helicopters	2,000

#### Active Unit Ceilings

Treaty limited equipment:	Active ceiling per side
Tanks	18,500
Artillery	17,000
Armored combat vehicles	27,300

#### SUFFICIENCY RULE

Treaty limited equipment	Any one country	Percentage of the total
Tanks	13,300	33.3
Artillery	13,700	34.3
Armored combat vehicles	20,000	33.3
Total ground equipment	47,000	33.3
Combat aircraft	5,150	37.8
Attack helicopters	1,500	37.5
Total equipment	53,650	34.8

□ 2100

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend Chairman FASCELL for bringing this legislation expeditiously to the floor for consideration. This legislation is important to the President and the Nation and warrants our strong support.

This legislation authorizes the President to transfer tanks, armored combat vehicles (ACVs), and artillery to members of the NATO Alliance in connection with implementation of the CFE Treaty agreed to last November in Paris.

This legislation will help NATO modernize its forces, increase efficiency, and shift defense burdens.

In addition, it clarifies the authority of the President to ensure that the United States will not incur any additional budgetary expense as a result of the transfers.

Finally, I would like to point out that this legislation mandates the President to ensure that any equipment transfer to Greece and Turkey under this program is consistent with United States policy of maintaining the military balance in the Eastern Mediterranean.

I urge my colleagues to support this important legislation.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOCHBREUCKNER). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL], that the House suspend the rules and pass the bill H.R. 3807.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REGARDING FORCED LABOR IN CHINESE PRISONS

Mr. GEJDENSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con Res. 216) concerning the use of forced labor in Chinese prisons, as amended.

The Clerk read as follows:

H. CON. RES. 216

Whereas the Government of the People's Republic of China maintains up to 5,000 prison, labor reform, reeducation, and juvenile detention facilities holding a large number of political prisoners, including thousands of young men and women jailed after that government's June 1989 suppression of the prodemocracy movement in China;

Whereas many Chinese prisoners are sent to Chinese prisons without any judicial hearing whatsoever and others are forced to stay on after their sentences expire;

Whereas forced labor is an integral part of the Chinese prison system, and Chinese

prisoners are forced to labor under extremely inhumane and dangerous conditions with little or no compensation for their work;

Whereas the recent investigations by Harry Wu, a former Chinese political prisoner, and by independent human rights organizations such as Asia Watch, clearly demonstrate that Chinese prisons seek to export forced labor products to the United States, and have devised numerous methods to evade United States law;

Whereas numerous Chinese government publications explicitly describe the export of forced labor products, and encourage all Chinese prisons to sell their products on the international market;

Whereas Chinese forced labor exports threaten American jobs in many sectors of the United States economy, including the shoe, toy, garment, handtool, and electronics industries; and

Whereas China's \$10,000,000,000 trade surplus with the United States in 1990 can be partly attributed to Chinese forced labor exports; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress finds that the Government of the People's Republic of China—

(1) systematically exploits the labor of prisoners in the Chinese gulag to produce cheap products for export;

(2) detains many prisoners past the expiration of their sentences in violation of internationally recognized human rights; and

(3) holds many prisoners in conditions that fall below international standards for the treatment of prisoners.

(b) The Congress—

(1) urges the Government of the People's Republic of China to—

(A) allow international inspections of places of detention that are suspected of producing export goods in order to ensure that such production does not take place;

(B) release the texts of any government directives, regulations, or policies regarding the exportation of products made in Chinese prisons, other than the October 10, 1991, joint declaration by the Chinese Ministry of Foreign Economic Relations and the Chinese Ministry of Justice banning prison-made exports;

(C) detail publicly the steps it will take to enforce the joint declaration of October 10, 1991, and any other policy prohibiting forced labor exports, at all levels of the Chinese government and Chinese prison system; and

(D) vigorously reform the Chinese political, judicial, penal, and economic systems so that Chinese citizens are not jailed for their political and religious beliefs, all Chinese citizens accused of crimes receive fair and open trials, Chinese prisoners are adequately compensated for their work, and workplace conditions in Chinese prisons are safe and humane; and

(2) urges the Government of Hong Kong, and the governments of other nations through which Chinese products are shipped, to prohibit the importation of Chinese forced labor products and to investigate thoroughly trading companies suspected of dealing in prison-made goods.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

# SENATE VOTES 273, 274, 275, 276

	273	274	275	276
<b>ALABAMA</b>				
Heflin	Y	Y	Y	Y
Shelby	Y	Y	Y	Y
<b>ALASKA</b>				
Murkowski	Y	Y	Y	Y
Stevens	Y	Y	Y	Y
<b>ARIZONA</b>				
DeConcini	Y	Y	Y	Y
McCain	Y	Y	Y	Y
<b>ARKANSAS</b>				
Bumpers	Y	Y	Y	Y
Pryor	?	?	?	?
<b>CALIFORNIA</b>				
Cranston	Y	Y	Y	Y
Seymour	Y	N	N	Y
<b>COLORADO</b>				
Wirth	Y	Y	Y	Y
Brown	Y	N	Y	Y
<b>CONNECTICUT</b>				
Dodd	Y	Y	Y	Y
Lieberman	Y	Y	Y	Y
<b>DELAWARE</b>				
Biden	Y	Y	Y	Y
Roth	Y	Y	N	Y
<b>FLORIDA</b>				
Graham	Y	Y	Y	Y
Mack	Y	Y	Y	Y
<b>GEORGIA</b>				
Fowler	Y	Y	Y	Y
Nunn	Y	Y	Y	Y
<b>HAWAII</b>				
Akaka	+	+	+	+
Inouye	Y	Y	Y	Y
<b>IDAHO</b>				
Craig	N	N	Y	N
Symms	N	N	Y	N
<b>ILLINOIS</b>				
Dixon	+	?	?	?
Simon	Y	Y	Y	Y
<b>INDIANA</b>				
Coats	Y	Y	Y	Y
Lugar	Y	Y	Y	Y

	273	274	275	276
<b>IOWA</b>				
Harkin	?	?	?	?
Grassley	Y	Y	N	N
<b>KANSAS</b>				
Dale	Y	Y	Y	Y
Kassebaum	Y	Y	Y	Y
<b>KENTUCKY</b>				
Ford	Y	Y	Y	Y
McConnell	Y	Y	Y	Y
<b>LOUISIANA</b>				
Breaux	Y	Y	Y	Y
Johnston	Y	Y	Y	Y
<b>MAINE</b>				
Mitchell	Y	Y	Y	Y
Cohen	Y	Y	Y	Y
<b>MARYLAND</b>				
Mikutski	Y	Y	Y	Y
Sorbanes	Y	Y	Y	Y
<b>MASSACHUSETTS</b>				
Kennedy	Y	Y	Y	Y
Kerry	Y	Y	Y	Y
<b>MICHIGAN</b>				
Levin	Y	Y	Y	Y
Riegle	Y	Y	Y	Y
<b>MINNESOTA</b>				
Wellstone	Y	Y	Y	Y
Durenberger	Y	Y	Y	Y
<b>MISSISSIPPI</b>				
Cochran	Y	Y	Y	Y
Lott	Y	Y	Y	Y
<b>MISSOURI</b>				
Bond	Y	Y	Y	Y
Danforth	Y	Y	Y	Y
<b>MONTANA</b>				
Saucus	Y	Y	Y	Y
Burns	Y	Y	Y	Y
<b>NEBRASKA</b>				
Eaton	Y	Y	Y	Y
Kerry	?	?	?	?
<b>NEVADA</b>				
Bryan	Y	Y	Y	Y
Reid	Y	Y	Y	Y

	273	274	275	276
<b>NEW HAMPSHIRE</b>				
Rudman	Y	Y	Y	Y
Smith	N	N	N	N
<b>NEW JERSEY</b>				
Bradley	Y	Y	Y	Y
Lautenberg	Y	Y	Y	Y
<b>NEW MEXICO</b>				
Benjamin	Y	Y	Y	Y
Domenici	Y	Y	Y	Y
<b>NEW YORK</b>				
Moyhan	Y	Y	Y	Y
D'Amato	Y	Y	Y	Y
<b>NORTH CAROLINA</b>				
Santford	Y	Y	Y	Y
Helms	+	?	?	?
<b>NORTH DAKOTA</b>				
Burdick	Y	Y	Y	Y
Conrad	Y	Y	Y	Y
<b>OHIO</b>				
Glenn	Y	Y	N	Y
Metzenbaum	Y	Y	Y	Y
<b>OKLAHOMA</b>				
Boren	Y	Y	Y	Y
Nickles	Y	N	Y	N
<b>OREGON</b>				
Hatfield	Y	Y	Y	Y
Packwood	Y	Y	Y	Y
<b>PENNSYLVANIA</b>				
Wofford	Y	Y	Y	Y
Specter	Y	Y	Y	Y
<b>RHODE ISLAND</b>				
Pell	Y	Y	Y	Y
Chafee	Y	Y	Y	Y
<b>SOUTH CAROLINA</b>				
Hollings	Y	Y	Y	Y
Thurmond	Y	Y	N	Y
<b>SOUTH DAKOTA</b>				
Daschle	Y	Y	Y	Y
Pressler	Y	N	Y	Y
<b>TENNESSEE</b>				
Gore	Y	Y	Y	Y
Sasser	Y	Y	Y	Y

## KEY

- Y Voted for (yea).
- N Voted against (nay).
- Paired for.
- Announced for.
- Paired against.
- Announced against.
- Voted "present."
- Voted "present" to avoid possible conflict of interest.
- Did not vote or otherwise make a position known.

Democrats Republicans

	273	274	275	276
<b>TEXAS</b>				
Benenson	Y	Y	Y	Y
Gramm	Y	Y	Y	N
<b>UTAH</b>				
Garn	Y	Y	Y	Y
Hatch	Y	Y	Y	Y
<b>VERMONT</b>				
Leahy	Y	Y	Y	Y
Jeffords	Y	Y	Y	Y
<b>VIRGINIA</b>				
Robb	Y	Y	Y	Y
Warner	Y	Y	Y	Y
<b>WASHINGTON</b>				
Adams	Y	Y	Y	Y
Gorton	Y	Y	Y	Y
<b>WEST VIRGINIA</b>				
Byrd	Y	Y	Y	Y
Rosen	Y	Y	Y	Y
<b>WISCONSIN</b>				
Kohl	Y	Y	Y	Y
Kasten	Y	Y	N	Y
<b>WYOMING</b>				
Simpson	Y	Y	Y	Y
Wallace	N	N	Y	N

ND Northern Democrats SD Southern Democrats

Southern states - Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., Okla., S.C., Tenn., Texas, Va.

**273. Treaty Doc 102-8. Conventional Forces in Europe/Adoption.** Adoption of the resolution of ratification of the treaty to establish a secure conventional balance in Europe between the North Atlantic Treaty Organization and the six members of the former Warsaw Pact by eliminating disparities in armaments and the capability for initiating large-scale offensive action. Adopted 90-4: R 38-4; D 52-0 (ND 36-0, SD 16-0). Nov. 25, 1991. A two-thirds majority of those present and voting (63 in this case) is required for adoption of resolutions of ratification. A "yea" was a vote supporting the president's position. (Story, p. 3537)

**274. HR 3807. CFE Treaty Implementation/Dismantlement of Soviet Weapons.** Nunn, D-Ga., amendment to authorize \$500 million to assist the Soviet Union and its republics with the dismantlement of Soviet nuclear, chemical and other weapons. Adopted 86-8: R 34-8; D 52-0 (ND 36-0, SD 16-0). Nov. 25, 1991. (Story, p. 3536)

**275. HR 3807. CFE Treaty Implementation/Humanitarian Assistance.** Boren, D-Okla., amendment to authorize \$200 million to transport, by military or commercial means, food, medical supplies and other types of humanitarian assistance to the Soviet Union or its republics, if emergency conditions arise. Adopted 87-7: R 36-6; D 51-1 (ND 35-1, SD 16-0). Nov. 25, 1991. (Story, p. 3536)

**276. HR 3807. CFE Treaty Implementation/International Investment for Democracy.** Levin, D-Mich., amendment to express the sense of the Senate that to help preserve democracy in the former republics of the Soviet Union, the president should immediately consult with Congress to develop an "International Investment for Democracy" comprehensive plan to lay out actions that the republics could take to institute economic reforms to ensure that the Soviet Union survives the transition from a communist state to a free economy. Adopted 87-7: R 35-7; D 52-0 (ND 36-0, SD 16-0). Nov. 25, 1991. (Story, p. 3536)



# EIGHTY-SEVENTH CONGRESS

JANUARY 3, 1961, TO JANUARY 3, 1963

FIRST SESSION—January 3, 1961, to September 27, 1961

SECOND SESSION—January 10, 1962,<sup>1</sup> to October 13, 1962

VICE PRESIDENT OF THE UNITED STATES—RICHARD M. NIXON,<sup>2</sup> of California; LYNDON B. JOHNSON,<sup>3</sup> of Texas

PRESIDENT PRO TEMPORE OF THE SENATE—CARL HAYDEN, of Arizona

SECRETARY OF THE SENATE—FELTON McLELLAN JOHNSON, of Mississippi

SERGEANT AT ARMS OF THE SENATE—JOSEPH C. DURE, of Arizona

SPEAKER OF THE HOUSE OF REPRESENTATIVES—SAM RAYBURN,<sup>4</sup> of Texas; JOHN W. MCCORMACK,<sup>5</sup> of Massachusetts

CLERK OF THE HOUSE—RALPH R. ROBERTS,<sup>6</sup> of Indiana

SERGEANT AT ARMS OF THE HOUSE—LEAH W. JOHNSON, JR.,<sup>7</sup> of Tennessee

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POSTMASTER OF THE HOUSE—H. H. MORRIS,<sup>9</sup> of Kentucky

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<sup>1</sup> By joint resolution (Pub. Law 374, 47th Cong., 1st Sess., 1881).  
<sup>2</sup> The date of assuming the second session of the 87th Congress was fixed for January 10, 1962.  
<sup>3</sup> Term expired on June 30, 1961.  
<sup>4</sup> Term began on June 3, 1961.

<sup>5</sup> Died November 16, 1961.  
<sup>6</sup> Elected January 10, 1962.  
<sup>7</sup> Re-elected January 3, 1962.  
<sup>8</sup> Re-elected January 10, 1962.

<sup>9</sup> Elected to fill vacancy caused by resignation of his brother, Sherman L. Udall, and took his seat May 11, 1961.  
<sup>10</sup> Died February 15, 1961.  
<sup>11</sup> Elected to fill vacancy caused by death of his brother, William J. Norrell, and took his seat April 10, 1961.  
<sup>12</sup> Died October 1, 1961.  
<sup>13</sup> Elected to fill vacancy throughout remainder of the Congress.

<sup>14</sup> Died July 21, 1962.  
<sup>15</sup> Appointed to fill vacancy caused by death of Henry C. Dworshak, and took his seat August 1, 1962.

<sup>16</sup> Election investigated by order of the House. H. Res. 10, 85th Cong., 1st Sess., declared that J. Edward Roush was entitled to this seat.  
<sup>17</sup> Died January 21,

## Open Skies Treaty Will Enhance International Security

John H. Hawes, US Representative  
To the Open Skies Conference

Statement before the Senate Foreign Relations Committee,  
Washington, DC, March 11, 1993

**M**r. Chairman, I am honored to testify before this committee in support of the Open Skies Treaty. As Secretary Christopher indicated in his letter of March 4 [to Chairman Pell], the treaty

... will contribute to mutual understanding and confidence-building by giving all States Parties, regardless of size, a direct role in gathering information about military forces and activities of interest to them.

This treaty has been made possible by the dramatic political changes of the last several years. When former President Eisenhower first proposed cooperative aerial observation in 1955, the idea was summarily rejected by the Soviet Union. Indeed, it was only after the abortive coup in Moscow in August 1991 that an agreement could be negotiated embodying the values of openness and cooperative international observation.

In my remarks I will briefly describe the content and operation of the treaty. Before doing so, let me put that in context by noting the four essential ways in which the Treaty on Open Skies will contribute to international security in the post-Cold War world.

First, the treaty empowers all signatory states—regardless of size, wealth, or level of technology—to acquire meaningful security information on neighboring countries. This will enhance the confidence of all participants and enable them to play more responsible roles in maintaining regional and international security. In this regard, moreover, by generating information which can be easily shared and discussed among participants, the

Open Skies Treaty will avoid the difficulties often encountered in working with restricted information.

Second, the treaty nails down the key principle of full territorial openness. All the territory of all the participants will be open to observation, including specifically all the territory of states which formerly restricted large portions of their territory on grounds of national security. The United States insisted on full openness during the negotiations as a sine qua non for an effective confidence-building regime. The United States determined at the outset, moreover, that such an unprecedented degree of openness would not pose an unmanageable security risk within the United States itself.

Third, the treaty dramatically advances the tools available for confidence building. Over the past 2 decades, the array of confidence-building measures has expanded steadily. Now the Open Skies Treaty adds to this tool kit detailed procedures for aerial observation, with agreed sensors, predetermined quotas, and no right of refusal. It also establishes a new framework for contacts, cooperation, and consultation among participating states.

Fourth, the treaty establishes a major precedent—which may prove particularly useful in other parts of the world beyond the original signatories—in reducing tensions, contributing to greater mutual understanding, and reinforcing regional peace and security. Other nations outside the Euro-Atlantic area, where the treaty was negotiated, have already expressed interest in the treaty.

Mr. Chairman, I would like to describe the principal provisions of the Open Skies Treaty relating to participation, coverage, sensors, quotas, aircraft, data, and costs.

### Participation

The Open Skies Treaty was negotiated between the members of NATO and members of the former Warsaw Pact. The latter organization dissolved during the course of the talks. Original signatories include all 16 NATO states, the East European members of the former Warsaw Pact, and 5 of the successor states of the former Soviet Union: Belarus, Georgia, Kyrgyzstan, Russia, and Ukraine. Since signature of the treaty on March 24, 1992, the former Czech and Slovak Republic has divided into two separate states; both are in the process of reaffirming their participation in the treaty.

The treaty is now open to signature by all seven other successor states of the former Soviet Union. Following entry into force, the treaty will be open to requests for accession by all states participating in the Conference on Security and Cooperation in Europe. The treaty and the Open Skies concept are not, however, confined to Europe. Beginning 6 months after entry into force, any state, without regard to geographic limitations, can accede to the Open Skies Treaty provided that it will contribute to the objectives of the treaty and has the consensus approval of the Open Skies Consultative Commission.

### Coverage

The Open Skies Treaty provides that all of the territory of participating states must be open to observation. No exceptions are permitted for "national security" purposes. Observation flights will follow routes set by the observing party; only modifications for legitimate reasons of flight safety may be proposed.

The question of full territorial access was debated within the US Government when the initial Open Skies proposal was developed. At that time, a decision was made that full access was essential to the political and

confidence-building objectives of the proposal and that such access could be provided in the United States consistent with national security. Given the previous restrictions in force in the former Soviet Union, this requirement for full territorial access was perhaps the subject most intensely debated in the negotiation. Agreement was only reached in the fall of 1991, following the abortive Moscow coup of August 1991.

The treaty text not only affirms the principle of full territorial access but also spells out how this is to be implemented effectively in actual aerial operations. The treaty does this with detailed provisions on the formulation of the flight plan to ensure that the observation objectives of the observing party will be achieved.

## Sensors

Once the question of access was determined, the second factor shaping the quality and quantity of information which the participants could gather in Open Skies was the package of sensors to be employed.

For the United States, the sensors which have been agreed [to] for use in Open Skies will not provide a significant new source of information. For most other participants, however, the ability to utilize the Open Skies sensor suite to observe the full territory of the other participating countries will represent a new and very significant enhancement in their ability to gather security-related information. The United States will, however, be a major, indirect beneficiary of this increase in knowledge, confidence, and security of the other participants. This, in fact, was one of the primary considerations behind the US initiative in presenting the Open Skies idea and bringing the negotiations to a successful conclusion.

All parties in Open Skies will have access to sensors of equal capabilities. In the spring of 1990, the East European states obtained agreement from the United States and its NATO allies that all participants would have access to sensor capabilities equal to those employed by any other participant. The East European governments no longer could, or wished to, depend on the Soviet Union for sensor support.

At the same time, they recognized that most Western sensors were still subject to technology transfer controls. This right of equal access is specified in the treaty and was one of the first points of agreement in the negotiations. One result of this agreement was that the United States and its NATO allies had to ensure that any sensor capability which we wished to use in Open Skies could be made available to all other participants. In practice, that imposed a ceiling on the sensors, which we and our NATO allies were prepared to employ under the treaty.

In the spring of 1991, the United States and its NATO allies proposed that Open Skies sensors include optical and electro-optical cameras, synthetic aperture radar [SAR], infrared line scanning systems, air sampling systems, and multispectral systems—although NATO agreed that the last two systems would have a lower priority. Agreement was reached in the treaty on the inclusion of panoramic and framing optical cameras, video cameras, synthetic aperture radar, and infrared line scanning systems. Air sampling systems and multispectral systems were not accepted. Additional sensor systems can be agreed [on] by consensus of the Open Skies Consultative Commission.

In determining sensor specifications, the United States and its allies worked from the postulate that Open Skies optical imagery should permit analysts to recognize armored vehicles—i.e., to distinguish a tank from a truck—an objective which was eventually accepted by all participants. This recognition could be achieved with a ground resolution of 30 centimeters [the ability to distinguish between two bars—of a standardized array and size—which are 30 cm apart; also known in US usage as] 60-cm Ground Resolved Distance. This standard would enable Open Skies to contribute meaningfully to confidence building as well as supplement arms control verification regimes. Many of the European states, for example, believed that the ability to observe armored vehicles would be a useful supplement to the verification provisions of the CFE [Conventional Armed Forces in

Europe] Treaty, inter alia, because Open Skies flights could reach the former Soviet Union east of the Urals, outside the CFE zone of application.

At the same time, this imagery standard would not permit the collection of technical intelligence—e.g., on models of tanks and their equipment—and thus would not trigger security concerns in participating countries. This limitation was important to the military representatives of the former Soviet Union. This may have reflected not only tactical military concerns but also essentially political concerns about the implications of greater openness. The tank-recognition standard also served to minimize certain counter-intelligence and anti-terrorist concerns in the West.

The standard for video cameras is the same as that for optical cameras—i.e., 30 centimeters ground resolution. In practice, it is believed that the most potential value will come from optical imagery and that the altitude from which the optical cameras will operate may preclude the collection of quality imagery by video cameras most of the time.

The standard for synthetic aperture radar was set at 3 meters ground resolution, which allows recognition of the presence of very large equipment or buildings but is not sufficient for recognition of individual pieces of equipment. This level was primarily determined by US concerns that systems with a better resolution would pose unacceptable technology transfer problems. The Soviet Union had initially not wanted any synthetic aperture radar. In April 1990, it moved to accept SAR in principle but at a ground resolution capacity of 10 meters. In the fall of 1991, it accepted inclusion of SAR at 3 meters ground resolution.

The standard for infrared line scanning devices was set at 50 centimeters ground resolution. The United States and its NATO allies would have preferred to use the same standard for infrared as for optical imagery. The Soviet Union resisted this, arguing that infrared imagery of that quality would provide an observer with tactical information which could be useful in attack planning, thereby going beyond the confidence-building purposes of the



regime. For this reason, the Soviet Union had initially objected to the inclusion of any infrared systems. Even when it ultimately agreed to the inclusion of an infrared system with a 50-centimeter ground resolution, it insisted that it only be used after the initial 3 years of implementation of the treaty.

## Quotas

Observation under Open Skies will not be subject to refusal. All parties to the treaty are assigned "passive quotas," specifying the number of flights they must accept from other participants in a year. Further, parties are assigned "active quotas," specifying how many observation flights they may undertake and which countries they may observe. The determination of the passive and active quotas of the participants was a sensitive subject in the negotiations.

Under the Open Skies Treaty, the United States will have a passive quota of 42 flights annually—i.e., it will be obligated to accept up to 42 flights from other participating states if requested. The United States originally said it could accept 52 flights annually, or one flight per week. That number was lowered in the course of the negotiations so that the US number would not exceed the number for Belarus-Russia, also 42.

For the first 3 years after entry into force, countries will only have to accept up to 75% of their passive quotas, meaning that the initial US passive obligation is 31. For the first year of the treaty's operation, only 4 of these 31 potential flights over the United States were requested, all by Belarus-Russia, which are operating as a "group of states parties" under the provisions of the treaty. As a group, Belarus-Russia will have a joint quota and will conduct observation flights jointly and receive flights jointly, which may go to any portion of their combined territory. No other participating state expressed interest in observing the United States.

The treaty provides that a country's active quota—i.e., the number of observation flights it may conduct—may equal but not exceed its passive quota. Thus, the ceiling for the US active quota in the initial period

would be 31. The initial negotiated distribution of the active quota of the United States provides for 9 flights: 8 flights over the Belarus-Russia group of parties and one flight over Ukraine, the latter to be shared with Canada. The United States would have preferred to utilize more of its potential allocation of active quotas, particularly in Eastern Europe and the nations of the former Soviet Union. But the passive quotas of Russia and all the countries in the former Warsaw Pact were oversubscribed.

Belarus-Russia provides a good example. The passive quota for Belarus-Russia—as a group—is 42, equal to that of the United States. For the initial 3 years, this works out to a passive quota of 31, or 75% of the full quota. This passive quota of 31 for Belarus-Russia is fully subscribed. In addition to the 8 flights allocated to the United States, the Belarus-Russia quota was exhausted as follows: Germany—3, France—3, the United Kingdom—3, Canada—2, Italy—2, Norway—2, Turkey—2, the three Benelux states acting as a combined party—1, Denmark—1, and Poland—1. In addition, although Finland and Sweden are not initial signatories to the treaty, one quota over Belarus-Russia was set aside for Finland and two for Sweden in anticipation of their early accession to the treaty and in recognition of their direct security concerns and the contribution they made to the success of negotiations.

All 31 of the available passive quotas over the Belarus-Russia group of parties are allocated, while only 4 passive quotas are allocated over the United States. As a result, Belarus-Russia will be subjected to significantly more observation than the United States, even though the nominal passive quotas are identical. Further, because of the treaty's data sharing provisions, the United States or any other participating state will be able to obtain the data from observation flights there.

The United States and Belarus-Russia have by far the largest passive quotas in Open Skies. Canada, Germany, France, Italy, Turkey, Ukraine, and the United Kingdom each have quotas of 12. Portugal has the lowest—two.

The distribution of active quotas—i.e., the rights to conduct observation flights over individual participating countries or groups of countries—will be subject to annual redistribution in the Open Skies Consultative Commission on the basis of consensus. Absent consensus for change, the previous year's distribution will continue in effect.

## Aircraft

The Open Skies Treaty provides that any party may designate one or more aircraft for use in Open Skies. It provides, further, that either aircraft of the observing party or the observed party may be used on observation flights. The United States, and most of the other participants in the talks, would have preferred that only aircraft of the observing party be used. The former Soviet Union, however, insisted on the right to provide the aircraft for observation of its own territory.

Because the treaty contains options for aircraft provided by either the observing or observed party, the treaty also contains extensive measures to ensure that the capabilities of the aircraft utilized and the sensor equipment mounted on them meet specified treaty standards. These measures include procedures for initial certification of aircraft and sensors, provisions for inspection of aircraft and sensors prior to observation flights, provisions for demonstration flights over test targets, provisions for the presence and rights of personnel of both the observing and observed parties on board the aircraft during an observation flight, and provisions for the sharing of the raw data gathered on an observation flight between the observing and observed parties.

## Data Sharing

The NATO "Basic Elements" paper of December 1989 stated that "members of the same alliance will determine among themselves how information acquired through Open Skies is to be shared." This provision was based on US concerns that data collected by the United States or its allies under Open Skies should not be shared with the Warsaw Pact countries, since it might enable them to better assess their

vulnerability to observation and thereby to improve their cover, concealment, and deception techniques.

The dissolution of the Warsaw Pact left the countries in Central and Eastern Europe without a formal security structure within which data might be shared and, at the same time, radically reoriented their security concerns. As a result, they then argued strongly for broader sharing of Open Skies raw data. In addition, the decision that the categories and specifications of the Open Skies sensors would be precisely defined in the treaty made it possible for countries to calculate their vulnerability to observation, regardless of data sharing. This reinforced further the argument for the widest possible sharing of raw data.

As a result, under the Open Skies Treaty, all participant states can purchase the raw overflight data produced by any participating state's flight over any other. This wide access to raw data will greatly multiply the value of the regime to individual participating countries, enabling them to compile data well beyond that which they could acquire with their own observation flights.

### Operational Costs

Basic agreement on the allocation of costs was reached in the first session of the Open Skies Consultative Commission in the spring of 1992. This agreement was formally adopted, however, in the second session of the Open Skies Consultative Commission in the fall of 1992, when agreement was also reached on the waiver of fees for navigation aids and air traffic control services.

The cost allocation agreements clarify the responsibilities of the observing and observed parties in

various scenarios, thereby minimizing the potential for future disagreement or unexpected financial burdens. These agreements deal with payment for goods and services related to the observation aircraft and specify that the prices for the above items shall be set at the lowest commercially available rate at the airport in Cologne, Germany. The cost agreement also deals with the costs of recording media and processing that media, as well as a number of other detailed subjects such as the allocation of costs for the certification of aircraft, demonstration flights, and deviations or curtailments of flights.

### Conclusion

Mr. Chairman, the Open Skies Treaty will provide an important tool for enhancing international security in the new circumstances of the post-Cold War world. It will increase the ability of all participating states, regardless of size and wealth, to seek and exchange meaningful security information through a regime of unarmed observation flights according to internationally agreed [to] and legally binding procedures. It establishes a regime of unprecedented transparency and openness which will contribute to mutual understanding of military forces and activities. In addition to reducing tensions, Open Skies will enhance the ability of many of the participating states to monitor arms control agreements. Overall, the treaty will promote the US interest in greater international security and in the ability of many more states to assume active and responsible roles in maintaining that security. For these reasons, I urge the Senate to give the Open Skies Treaty early and favorable consideration. ■

## Panel To Examine Truth Commission Report On El Salvador

Statement by Secretary Christopher released by the Office of the Assistant Secretary/Spokesman, Washington, DC, March 24, 1993.

Today, I have appointed a panel to examine the implications of the UN-sponsored El Salvador Truth Commission report for the conduct of US foreign policy and the operations of the Department of State. The panel will be co-chaired by retired career Ambassadors George Vest and Richard Murphy.

Acting as academic advisers to the committee will be Professor I.M. Destler of the University of Maryland and Professor Carol Lancaster of Georgetown University. Professor Destler has authored several books and articles on the foreign policy process, including a seminal work on the subject titled *Presidents, Bureaucrats and Foreign Policy*, Princeton University Press, 1972 and 1974. Professor Lancaster is a noted scholar and has authored numerous articles on development and Third World issues.

The atrocities committed during the long civil war in El Salvador are well documented in the Truth Commission Report. Although the report contains no explicit criticism of the US Government or its representatives, its publication does have implications for the conduct of US foreign policy and the Department of State's operations. Respect for human rights is a cornerstone of US foreign policy, and when questions arise that challenge our commitments, we have an obligation to seek answers.

Accordingly, I have asked this panel to review the Truth Commission's Report and examine the activities and conduct of the Department during this period. The panel's review will include responsiveness to congressional and public inquiries, human rights reporting, and the degree to which we encouraged State Department officers to conduct a full and independent inquiry of abuses by both sides in the civil conflict. The panel is to report its findings to me and make recommendations on steps the Department can take to ensure that the Department functions in a manner consistent with the highest professional and ethical standards and our nation's values. □

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Peter W. Rodino, Jr., *Newark*  
Hugh J. Addonizio, *Newark*  
Clarence Cannon, *Elaberry*  
Paul C. Jones, *Kennett*  
Morgan M. Moulder, *Camdenton*  
Dominick V. Daniels, *Jersey City*

## NEW MEXICO

### SENATORS

Dennis Chavez, *Albuquerque*  
Edwin L. Machem, *Las Cruces*  
Clinton P. Anderson, *Albuquerque*  
Representative at Large  
Joseph M. Montoya, *Santa Fe*  
Thomas G. Morris, *Tucumcari*

## NEW YORK

### SENATORS

Jacob K. Javits, *New York City*  
Kenneth B. Keating, *Rochester*

### REPRESENTATIVES

Otis G. Pike, *Riverhead*  
Steven B. Derouant, *Roslyn*  
Frank J. Becker, *Lynbrook*  
Seymour Halpern, *Forest Hills*  
Joseph P. Addabbo, *Orange Park*  
Lester Holtzman, *Elmhurst*  
Benjamin S. Rosenthal, *Long Island City*  
James J. Delaney, *Long Island City*  
Victor L. Anfuso, *Brooklyn*  
Eugene J. Keogh, *Brooklyn*  
Edna F. Kelly, *Brooklyn*  
Emanuel Celler, *Brooklyn*  
Hugh L. Carey, *Brooklyn*  
Abraham J. Multer, *Brooklyn*  
John J. Rooney, *Brooklyn*  
John H. Ray, *Staten Island*  
John V. Lindsay, *New York City*  
Adam C. Powell, *New York City*  
John F. Santangelo, *New York City*  
Alfred E. Santangelo, *New York City*  
Leonard Farabain, *New York City*  
William Fitta Ryan, *New York City*  
Herbert Zelenko, *New York City*  
James C. Healey, *New York City*  
Jacob H. Gilbert, *New York City*  
Charles A. Buckley, *New York City*  
Paul A. Fino, *New York City*  
Edwin B. Dooley, *Mamaroneck*  
Robert R. Barry, *Yonkers*  
Katharine St. George, *Tuxedo Park*  
J. Ernest Wharton, *Richmondville*  
Leo W. O'Brien, *Albany*  
Carleton J. King, *Saratoga Springs*  
Samuel S. Stratton, *Schenectady*  
Clarence E. Kilburn, *Malone*  
Alexander Pirnie, *Utica*  
R. Walter Richman, *Tully*  
John Taber, *Auburn*  
Howard W. Robinson, *Oneonta*  
Jessica McC. Weiss, *Rochester*  
Harold C. Osterling, *Attica*  
William E. Miller, *Oriskany*  
Thaddeus J. Dulski, *Buffalo*  
John R. Pillion, *Hamburg*  
Charles E. Goodell, *Jamestown*

## NORTH CAROLINA

### SENATORS

Samuel J. Ervin, Jr., *Morganton*  
B. Everett Jordan, *Saxapahaw*  
Representative at Large  
Herbert C. Bonner, *Washington*  
Lawrence H. Fountain, *Turbo*  
David N. Henderson, *Wallace*  
Harold D. Cooley, *Nashville*  
Ralph J. Scott, *Danbury*  
Horace R. Kurnegay, *Greensboro*  
Alton A. Lennon, *Wilmington*  
A. Paul Kitchin, *Wadeboro*  
Hugh Q. Alexander, *Kannapolis*  
Charles Raper Jones, *Lincolnton*  
Basel L. Whitener, *Gastonia*  
Roy A. Taylor, *Black Mountain*

## NORTH DAKOTA

### SENATORS

Milton R. Young, *La Moure*  
Quentin N. Burdick, *Fargo*  
Representative at Large  
Don L. Short, *Medora*  
Hjalmar C. Nygaard, *Kendall*

## OHIO

### SENATORS

Frank J. Lausche, *Cleveland*  
Stephen M. Young, *Cleveland*  
Representative at Large  
Gordon H. Scherer, *Cincinnati*  
Donald D. Clancy, *Cincinnati*  
Paul F. Schenck, *Dayton*  
William M. McCulloch, *Piqua*  
Delbert L. Latta, *Bowling Green*  
William H. Harsha, Jr., *Portsmouth*  
Clarence J. Brown, *Blackwater*  
Jackson E. Belts, *Findlay*  
Thomas L. Ashley, *Waterville*  
Walter H. Mosley, *Lancaster*  
Robert E. Cook, *Havenna*  
Samuel L. Devine, *Columbus*  
Charles A. Mosher, *Oberlin*  
William H. Ayres, *Akron*  
Tom V. Moorehead, *Zanesville*  
Frank T. Bow, *Canton*  
John M. Ashbrook, *Johnstown*  
Wayne L. Hays, *Flushing*  
Michael J. Kirwan, *Youngstown*  
Michael A. Faighan, *Cleveland*  
Charles A. Vanik, *Cleveland*  
Frances P. Bolton, *Lynchburg*  
William E. Minshall, *Lakewood*

## OKLAHOMA

### SENATORS

Robert S. Kerr, *Oklahoma City*

## OKLAHOMA CITY

### REPRESENTATIVES

Page H. Belcher, *Enid*  
Edmond Edmondson, *Muskogee*  
Carl Albert, *McAlester*  
Thomas J. Steed, *Shawnee*  
John Jarman, *Oklahoma City*  
Victor Wickersham, *Mangum*

## OREGON

### SENATORS

Wayne E. Morse, *Eugene*  
Maurine B. Neuberger, *Portland*

### REPRESENTATIVES

A. Walter Norblad, *Stayton*  
Robert C. Ullman, *Baker*  
Edith S. Green, *Portland*  
Edwin R. Burns, *Medford*

## PENNSYLVANIA

### SENATORS

Joseph S. Clark, *Philadelphia*  
Hugh D. Scott, Jr., *Philadelphia*

### REPRESENTATIVES

William A. Barrett, *Philadelphia*  
Kathryn E. Granahan, *Philadelphia*  
James A. Byrne, *Philadelphia*  
Robert N. C. Nix, *Philadelphia*  
William J. Greene, Jr., *Philadelphia*  
Herman Toll, *Philadelphia*  
William H. Milliken, Jr., *Sharon Hill*  
William S. Curtin, *Morrisville*  
Paul B. Dague, *Downingtown*  
William W. Scranton, *Dalton*  
Daniel J. Flood, *Wilkes Barre*  
Ivor D. Fenton, *Mahanoy City*  
Richard S. Schweiker, *Lansdale*  
George M. Rhodes, *Reading*  
Francis E. Walter, *Eaton*  
Walter M. Mumma, *Harrisburg*  
John C. Kunke, *Harrisburg*  
Herman T. Schneebeli, *Williamsport*  
J. Irving Whalley, *Windber*  
George A. Goodling, *Loganville*  
James E. Van Zandt, *Allentown*  
John H. Dent, *Jeannette*  
John P. Saylor, *Johnstown*  
Leon H. Gavin, *Oil City*  
Carroll D. Kearns, *Pittsburgh*  
Frank M. Clark, *Bessemer*  
Thomas E. Morgan, *Fredricksburg*  
James G. Fulton, *Pittsburgh*  
William S. Moorhead, *Pittsburgh*  
Robert J. Corbett, *Pittsburgh*  
Elmer J. Holland, *Pittsburgh*

<sup>1</sup> Appointed December 27, 1960, to fill vacancy caused by resignation of John F. Kennedy in preceding term.  
<sup>2</sup> Elected November 6, 1962, to fill vacancy caused by resignation of his brother John F. Kennedy, but was unable to be sworn in as Congress was not in session.  
<sup>3</sup> Resigned September 16, 1963.

<sup>1</sup> Elected to fill vacancy caused by resignation of Thaddeus M. Machrowicz and took his seat January 18, 1962.  
<sup>2</sup> Died November 12, 1961.  
<sup>3</sup> Elected to fill vacancy caused by death of Louis C. Rabaut and took his seat February 21, 1962.  
<sup>4</sup> Resigned November 14, 1962, vacancy throughout remainder of the Congress.

<sup>1</sup> Died November 18, 1962.  
<sup>2</sup> Appointed to fill vacancy caused by death of Styles Bridges and took his seat January 18, 1962.  
<sup>3</sup> Elected November 6, 1962, to fill vacancy caused by death of Styles Bridges, but was unable to be sworn in as Congress was not in session.  
<sup>4</sup> Resigned June 11, 1962, vacancy throughout remainder of the Congress.

<sup>1</sup> Died November 18, 1962.  
<sup>2</sup> Appointed November 20, 1962, to fill vacancy caused by death of Dennis Chavez and took his seat January 9, 1963.  
<sup>3</sup> Resigned December 11, 1962.

<sup>1</sup> Elected to fill vacancy caused by resignation of Lester Holtzman and took his seat February 28, 1962.  
<sup>2</sup> Resigned December 12, 1962, vacancy throughout remainder of the Congress.

<sup>1</sup> Died January 1, 1963, vacancy throughout remainder of the Congress.  
<sup>2</sup> Died February 25, 1963.  
<sup>3</sup> Elected to fill vacancy caused by death of Walter E. Morse and took his seat May 2, 1963.



# RHODE ISLAND

## SENATORS

John C. Pastore, *Providence*  
Clairborne Pell, *Newport*

## REPRESENTATIVES

Fernand J. St Germain, *Providence*  
John E. Fogarty, *Providence*

# SOUTH CAROLINA

## SENATORS

Ohm D. Johnston, *Spartanburg*  
James Strom Thurmond, *Aiken*

## REPRESENTATIVES

L. Mendel Rivers, *Charleston*  
John J. Riley, *Sumter*  
Corinne B. Riley, *Sumter*  
W. J. Bryan Dean, *Greenville*  
Robert T. Ashmore, *Greenville*  
Robert W. Hemphill, *Chester*  
John L. McMillan, *Florence*

# SOUTH DAKOTA

## SENATORS

Karl E. Mundt, *Sioux Falls*  
Francis H. Case, *Sioux Falls*  
Joseph H. Bottom, *Rapid City*

## REPRESENTATIVES

Benjamin Rieff, *Aberdeen*  
Ellis Y. Berry, *McLaughlin*

# TENNESSEE

## SENATORS

Fates Kefauver, *Jackson Mountain*  
Albert A. Gore, *Carthage*

## REPRESENTATIVES

B. Carroll Rame, *Johnson City*  
Louise G. Rame, *Johnson City*  
Howard H. Baker, *Huntsville*  
James B. Frazier, *Jr., Chattanooga*  
Joseph L. Evans, *Smithville*  
J. Carlton Lanier, *Nashville*  
Rosa Rame Pollock, *Pollock*  
Thomas J. Murray, *Johnson City*  
Robert A. Everett, *Johnson City*  
Clifford Davis, *Memphis*

# TEXAS

## SENATORS

Lyndon B. Johnson, *Johnson City*  
William A. Blakley, *Dallas*  
John G. Tower, *Wichita Falls*  
Ralph W. Yarborough, *Austin*

## REPRESENTATIVES

Wright Patman, *Texas*

Jack B. Brooks, *Beaumont*  
Lindley G. Beckworth, *Glendale*  
Sam Rayburn, *Honham*  
Herbert Ray Roberts, *McKinney*  
Bruce R. Alger, *Dallas*  
Olin E. Teague, *College Station*  
John V. Dowdy, *Athens*  
Albert Thomas, *Houston*  
Clark W. Thompson, *Oakwood*  
W. Homer Thornberry, *Austin*  
William R. Pogue, *Waco*  
James C. Wright, *Jr., Fort Worth*  
Frank N. Heard, *Wichita Falls*  
Graham H. Purcell, *Jr., Wichita Falls*

John A. Young, *Corpus Christi*  
Joe M. Kilgore, *McAllen*  
J. T. Rutherford, *Odessa*  
Omar T. Burton, *Anson*  
Walter E. Rogers, *Pampa*  
George H. Mahon, *Lubbock*  
Paul J. Rulky, *San Antonio*  
Henry B. Gonzalez, *San Antonio*  
O. Clark Fisher, *San Angelo*  
Robert R. Casey, *Houston*

# UTAH

## SENATORS

Wallace F. Bennett, *Salt Lake City*  
Frank E. Moss, *Salt Lake City*

## REPRESENTATIVES

M. Blaine Peterson, *Ogden*  
David S. King, *Salt Lake City*

# VERMONT

## SENATORS

George D. Aiken, *Putney*  
Winston L. Prouty, *Newport*

## REPRESENTATIVE AT LARGE

Robert T. Stafford, *Rutland City*

# VIRGINIA

## SENATORS

Harry Flood Byrd, *Berryville*  
A. Willis Robertson, *Lexington*

## REPRESENTATIVES

Thomas N. Downing, *Newport News*  
Porter Hardy, *Jr., Churchland*  
J. Vaughan Gary, *Richmond*  
Watkins M. Abbott, *Appomattox*  
William M. Tucker, *South Boston*  
Richard H. Poff, *Radford*  
Rory P. Harrison, *Winchester*  
Howard W. Smith, *Broad Run*  
William Pat Jennings, *Marion*  
Joel T. Broyles, *Arlington*

# WASHINGTON

## SENATORS

Warren G. Magnuson, *Seattle*  
Henry M. Jackson, *Everett*

## REPRESENTATIVES

Thomas M. Pelly, *Bainbridge Island*  
Alfred John Westland, *Everett*  
Julia Butler Hansen, *Cathlamet*  
Catherine D. May, *Yakima*  
Walter F. Horan, *Wenatchee*  
Thor C. Tollefson, *Tacoma*  
Donald H. Magnuson, *Seattle*

# WEST VIRGINIA

## SENATORS

Jennings Randolph, *Elkins*  
Robert C. Byrd, *Sophia*

## REPRESENTATIVES

Arch A. Moore, *Jr., Glendale*  
Harley O. Staggers, *Keyser*  
Cleveland M. Bailey, *Clarksburg*  
Kenneth Hechler, *Huntington*  
Maude Elizabeth Kee, *Bluefield*  
John M. Slack, *Jr., Charleston*

# WISCONSIN

## SENATORS

Alexander Wiley, *Chippewa Falls*  
William Proxmire, *Madison*

## REPRESENTATIVES

Henry C. Schadeberg, *Burlington*  
Robert W. Kastenmeier, *Watertown*  
Vernon W. Thomson, *Richland Center*  
Clement J. Zablocki, *Milwaukee*  
Henry S. Reuss, *Milwaukee*  
William K. Van Pelt, *Fond du Lac*  
Melvin R. Laird, *Marshfield*  
John W. Byrnes, *Green Bay*  
Lester R. Johnson, *Black River Falls*  
Alvin E. O'Konski, *Merced*

# WYOMING

## SENATORS

Gale W. McGee, *Laramie*  
J. J. Hickey, *Cheyenne*  
Milward L. Simpson, *Cody*

## REPRESENTATIVE AT LARGE

William Henry Harrison, *Sheridan*

# COMMONWEALTH OF PUERTO RICO

## RESIDENT COMMISSIONER

A. Fernin Isern, *Santurce*

# EIGHTY-EIGHTH CONGRESS

JANUARY 3, 1963, TO JANUARY 3, 1965

FIRST SESSION—January 9, 1963,<sup>1</sup> to December 30, 1964

SECOND SESSION—January 7, 1965,<sup>2</sup> to October 1, 1965

VICE PRESIDENT OF THE UNITED STATES—LYNDON B. JOHNSON,<sup>3</sup> of Texas  
PRESIDENT PRO TEMPORE OF THE SENATE—CARL HAYDEN, of Arizona  
SECRETARY OF THE SENATE—FELTON McLELLAN JOHNSON, of Mississippi  
SERGEANT AT ARMS OF THE SENATE—JOSEPH C. DIXIE, of Arizona

SPEAKER OF THE HOUSE OF REPRESENTATIVES—JOHN W. MCCARTHER,<sup>4</sup> of Massachusetts  
CLERK OF THE HOUSE—HAROLD R. ROBERTS,<sup>5</sup> of Indiana  
SERGEANT AT ARMS OF THE HOUSE—ZEAK W. JOHNSON, Jr.,<sup>6</sup> of Tennessee  
DOORKEEPER OF THE HOUSE—WILLIAM M. MURPHY,<sup>7</sup> of Mississippi  
POSTMASTER OF THE HOUSE—H. H. MORRIS,<sup>8</sup> of Kentucky

# ALABAMA

## SENATORS

Lister Hill, *Montgomery*  
John J. Sparkman, *Huntsville*

## REPRESENTATIVES AT LARGE

George M. Grant, *Troy*  
George W. Andrews, *Union Springs*  
Kenneth A. Roberts, *Anniston*  
Albert Rains, *Cadaleen*  
Armistead I. Selden, Jr., *Greensboro*  
Carl A. Elliott, *Jasper*  
Robert E. Jones, *Scottsboro*  
George Huddleston, Jr., *Birmingham*

# ALASKA

## SENATORS

Edward L. Bartlett, *Juneau*  
Ernest Gruening, *Juneau*

## REPRESENTATIVE AT LARGE

Ralph J. Rivers, *Fairbanks*

# ARIZONA

## SENATORS

Carl Hayden, *Phoenix*

Barry Goldwater, *Phoenix*

## REPRESENTATIVES

John J. Rhodes, *Mesa*  
Morris K. Udall, *Tucson*  
George F. Senner Jr., *Miami*

# ARKANSAS

## SENATORS

John I. McClellan, *Camden*  
J. William Fulbright, *Fayetteville*

## REPRESENTATIVES

Ezekiel C. Gathings, *West Memphis*  
Wilbur D. Mills, *Kansas*  
James W. Trimble, *Berryville*  
Oran Harris, *El Dorado*

# CALIFORNIA

## SENATORS

Thomas H. Ruchel, *Anaheim*  
Clair Engle, *Red Bluff*  
Pierre Salinger, *San Francisco*  
George Murphy, *Deerly Hills*

## REPRESENTATIVES

Clement W. Miller, *Corte Madera*  
Don H. Clausen, *Crescent City*  
Harold T. Johnson, *Roseville*

John E. Moss, Jr., *Sacramento*  
Robert L. Leggett, *Vallejo*  
John F. Shelley, *San Francisco*  
Phillip Burton, *San Francisco*  
William S. Mailliard, *San Francisco*  
Jeffery Cohelan, *Berkeley*  
George P. Miller, *Alameda*  
Don Edwards, *San Jose*  
Charles S. Gubser, *Gilroy*  
J. Arthur Younger, *San Mateo*  
Burt I. Talcott, *Salinas*  
Charles M. Teague, *Ojai*  
John F. Baldwin, *Martinez*  
John J. McFall, *Montecito*  
Bernice F. Siak, *Fresno*  
Cecil R. King, *Los Angeles*  
Harlan F. Hagen, *Hanford*  
Chas. Hollifield, *Mantebello*  
H. Allen Smith, *Glendale*  
Augustus F. Hawkins, *Los Angeles*  
James C. Corman, *Van Nuys*  
Clyde G. Doyle, *South Gate*  
Del M. Clawson, *Compton*  
Glennard P. Lipcomb, *Los Angeles*  
Ronald Brooks Cameron, *Whittier*  
James Roosevelt, *Los Angeles*  
Everett G. Burkhalter, *North Hollywood*

<sup>1</sup> Died January 1, 1963.  
<sup>2</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
<sup>3</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
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<sup>7</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
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<sup>1</sup> By joint resolution (Pub. Law 88-154) June 10, 1963, the date of assembling the first session of the Eighty-eighth Congress was fixed for January 3, 1965.  
<sup>2</sup> By joint resolution (Pub. Law 88-154) June 10, 1963, the date of assembling the second session of the Eighty-eighth Congress was fixed for January 7, 1965.  
<sup>3</sup> Lyndon B. Johnson became President on the death of John Fitzgerald Kennedy November 22, 1963.

<sup>1</sup> Resigned January 1, 1963.  
<sup>2</sup> Died July 30, 1963.  
<sup>3</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
<sup>4</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
<sup>5</sup> Elected to fill vacancy caused by death of Sam Rayburn, died January 1, 1963.  
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CELLI, Mr. FROST, Mr. McGRATH, Mr. FLAKE, Mr. SCHAEFER, Mrs. COLLINS of Illinois, Mr. BILIRAKIS, Mr. TALLON, Mr. ANDREWS of New Jersey, Mr. ENGEL, Mr. MANTON, Mr. WAXMAN, Mr. TRAFICANT, and Mr. PAZIO.

H.J. Res. 436: Joint resolution designating June 19, 1992, as "National Baseball Day"; to the Committee on Post Office and Civil Service.

By Mr. KILDEE:

H.J. Res. 437: Joint resolution designating May 7, 1992, as "National Substitute Teachers Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York:

H.J. Res. 438: Joint resolution proposing an amendment to the Constitution of the United States repealing the second amendment to the Constitution; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself, Mr. RIGGS, Mr. CALLAHAN, Mr. KLUIG, Mr. WOLF, Mr. SCHAEFER, Mr. KOSTMAYER, Mr. GILCHRIST, Mr. LEWIS of California, Mr. RIDGE, Mr. FRANKS of Connecticut, and Mr. SPENCE):

H.J. Res. 439: Joint resolution designating April 6, 1992, as "TV Busters' Day"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Con. Res. 290: Concurrent resolution authorizing the use of the Rotunda of the Capitol by the American Ex-Prisoners of War for a ceremony in recognition of National Former Prisoner of War Recognition Day; to the Committee on House Administration.

By Mr. ROHRBACHER:

H. Con. Res. 291: Concurrent resolution concerning bilateral relations between the United States and the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. MARTINEZ introduced a bill (H.R. 4448) for the relief of Gul Di Chen and Zhe Wu; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. RAVENEL, Mr. KOLBE, and Mr. LEWIS of Georgia.

H.R. 123: Mr. VANDER JAGT, Mr. ALLEN, Mr. RAHALL, Mr. NICHOLS, and Mrs. PATTERSON.

H.R. 200: Mr. SPENCE.

H.R. 431: Mr. OXLEY, Mr. LIGHTFOOT, Mr. ALLEN, Mr. FOGLIETTA, Mr. HOCHBRUECKNER, and Mr. FRANKS of Connecticut.

H.R. 643: Mr. BACCHUS.

H.R. 701: Mr. PACKARD.

H.R. 784: Mr. KOLBE, Mr. LAUGHLIN, Mr. POSHARD, Mr. HOPKINS, Mr. THOMAS of Georgia, and Mr. STALLINGS.

H.R. 786: Mr. PETERSON of Minnesota and Mr. MARTINEZ.

H.R. 856: Mr. GLICKMAN.

H.R. 911: Mr. WILLIAMS, Mr. ABERCROMBIE, Mr. PAXON, and Mr. CAMP.

H.R. 962: Mr. ABERCROMBIE.

H.R. 976: Mrs. JOHNSON of Connecticut and Ms. DELAURO.

H.R. 1156: Mr. LACOMARSINO.

H.R. 1200: Mr. LIVINGSTON.

H.R. 1245: Mr. BACCHUS.

H.R. 1335: Mr. WALSH.

H.R. 1406: Mrs. ROUKEMA.

H.R. 1472: Mr. DAVIS, Mr. TANNER, Mr. WELDON, and Mr. SARPAIUS.

H.R. 1502: Mr. GUNDERSON, Mr. ANDREWS of New Jersey, Mr. WAXMAN, Mr. LEHMAN of California, Mr. STALLINGS, and Ms. KAPTUR.

H.R. 1518: Mr. EWING, Mr. HASTERT, and Mr. TAYLOR of North Carolina.

H.R. 1527: Mr. MACHTLEY.

H.R. 1536: Mr. HORTON, Mrs. SCHROEDER, and Mr. MACHTLEY.

H.R. 1541: Mr. RITTER.

H.R. 1546: Mr. LANCASTER.

H.R. 1547: Mr. LANCASTER.

H.R. 1602: Mr. CONDIT and Mr. ANDREWS of New Jersey.

H.R. 1618: Mr. ROYBAL, Mr. GILLMOR, Mr. DRAIN, Mr. HOBSON, Mr. ORTON, Mrs. LOWEY of New York, Mr. HANCOCK, Mr. CARR, Mr. SKELTON, Mr. ALLEN, and Mr. JEFFERSON.

H.R. 1711: Mr. McDADDE.

H.R. 1771: Mr. ENGEL, Mr. JENKINS, Mr. LEWIS of California, Mr. PENNY, Mr. SKELTON, and Mr. SMITH of New Jersey.

H.R. 1774: Mr. BONIOR.

H.R. 1777: Mr. LIPINSKI.

H.R. 2070: Mr. DOWNEY, Mr. SCHIFF, Mr. DERRICK, Mr. STALLINGS, Mr. DWYER of New Jersey, Mr. BROWDER, and Mr. GINGRICH.

H.R. 2149: Mr. KOLTER, Mr. GEREN of Texas, Mr. THOMAS of Georgia, and Mr. ANDREWS of Maine.

H.R. 2223: Mr. SWETT, Mr. RAMSTAD, Mr. LEHMAN of California, and Mr. STOKES.

H.R. 2248: Mr. LEWIS of California and Mr. RICHARDSON.

H.R. 2294: Mr. JOHNSON of South Dakota.

H.R. 2336: Mr. CHAPMAN and Mr. HALL of Texas.

H.R. 2390: Mr. LEWIS of Florida.

H.R. 2464: Mr. DICKS, Mr. LUKEN, Mr. LEHMAN of Florida, Mr. NOWAK, Mr. GALLEGLY, Mr. RAHALL, Mr. McDADDE, and Mr. ROEMER.

H.R. 2472: Mr. WELDON.

H.R. 2565: Mr. ATKINS.

H.R. 2614: Mr. EVANS.

H.R. 2768: Mr. BUNNING.

H.R. 2782: Ms. NORTON, Mr. ANNUNZIO, Mr. HAYES of Illinois, Mr. PASTOR, Mr. ROEMER, Mr. JACOBS, Mr. NOWAK, Mr. CLAY, Mr. RAHALL, and Mr. PERKINS.

H.R. 2890: Mr. RAHALL, Mr. FEIGHAN, and Mr. NEAL of Massachusetts.

H.R. 3137: Mr. DERRICK, Mr. ATKINS, and Mr. JONTZ.

H.R. 3164: Mr. LANCASTER and Mr. FRANK of Massachusetts.

H.R. 3250: Mr. WILSON, Mr. GUARINI, Mr. FROST, and Mr. GILMAN.

H.R. 3425: Mr. ATKINS and Mr. TRAFICANT.

H.R. 3473: Mr. WEISS and Mr. SCHEUER.

H.R. 3517: Mr. BILIRAKIS.

H.R. 3544: Ms. KAPTUR.

H.R. 3605: Mr. MCCOLLUM.

H.R. 3854: Mr. LEWIS of Florida.

H.R. 3748: Ms. OAKAR, Ms. DELAURO, Mr. PASTOR, Mr. THORNTON, Mr. HAMILTON, Mr. OLIVER, and Mr. KILDEE.

H.R. 3780: Mr. BACCHUS and Mr. SHAYS.

H.R. 3801: Mr. TAUZIN, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. BAY, and Mr. RICHARDSON.

H.R. 3803: Mr. GUARINI, Mr. BRYANT, and Mr. EVANS.

H.R. 3806: Mr. SMITH of New Jersey, Mr. RAVENEL, Mr. ENGLISH, Mr. OXLEY, Mr. JENKINS, Mr. BILIRAY and Mr. LEWIS of Georgia.

H.R. 3927: Mr. SLATTERY.

H.R. 3955: Mr. KOPITSKI and Mr. JACOBS.

H.R. 3987: Mr. CHAPMAN.

H.R. 3981: Mr. BRUCE, Mr. DWYER of New Jersey, and Ms. PELOSI.

H.R. 4002: Mr. SWETT and Ms. DELAURO.

H.R. 4013: Mr. BLACKWELL.

H.R. 4028: Mr. PERKINS and Mr. NEAL of Massachusetts.

H.R. 4032: Mr. DELAY.

H.R. 4073: Mr. AUCOIN and Ms. NORTON.

H.R. 4083: Mr. VANDER JAGT, Mr. ANDREWS of New Jersey, Mr. LAUGHLIN, Mr. GLICKMAN, Mr. PERKINS, Mr. DUBOIS, Mr. EDLICH, and Mrs. BENTLEY.

H.R. 4086: Mr. LIPINSKI.

H.R. 4294: Mr. TRAXLER and Mr. MOLLO-RAN.

H.R. 4100: Mr. TORRES, Mr. CRAMER, Mr. VISCLOSKEY, and Mr. BUSTAMANTE.

H.R. 4124: Mr. WYLIE.

H.R. 4153: Mr. PERKINS.

H.R. 4163: Mr. CUNNINGHAM.

H.R. 4168: Mr. ROHRBACHER.

H.R. 4178: Mr. NEAL of Massachusetts.

H.R. 4194: Mr. HERGER and Mr. DUNCAN.

H.R. 4206: Mr. STUDDS.

H.R. 4212: Mr. COX of Illinois.

H.R. 4218: Mr. DICKS.

H.R. 4255: Mr. ATKINS, Mr. EVANS, Mr. LANTOS, Mr. MACHTLEY, Mr. MFUME, Mrs. MINX, Mr. ROYBAL, Mr. SERRANO, Mr. SHAYS, Mr. DWYER of New Jersey, Mr. FRANK of Massachusetts, Mr. LEHMAN of Florida, and Mr. KOSTMAYER.

H.R. 4271: Mr. WEISS, Mr. DOWNEY, Mr. HUNTER, Mr. DIXON, Mr. LANTOS, Mr. BONIOR, and Mr. GONZALEZ.

H.R. 4277: Mr. OWENS of New York.

H.R. 4293: Mr. DWYER of New Jersey, Mr. BLACKWELL, Mr. CRANE, Mr. MAZZOLI, Mr. MARTIN, Mr. TAUZIN, and Mr. GOODLING.

H.R. 4304: Ms. SLAUGHTER.

H.R. 4341: Mr. MCCANDLESS and Mr. LACOMARSINO.

H.R. 4381: Mr. MURPHY.

H.R. 4399: Mr. RITTER.

H.R. 4416: Mr. RAHALL, Mr. GUARINI, and Mr. KAPTUR.

H.J. Res. 272: Mr. BLILEY, Mr. PRICE, Mr. MORAN, Mr. WHEAT, Mr. ENGEL, and Mr. MACHTLEY.

H.J. Res. 336: Mr. RAMSTAD.

H.J. Res. 357: Mr. MCCOLLUM.

H.J. Res. 388: Mr. STALLINGS, Mr. SIKORSKI, Mr. MCCREY, Mr. DWYER of New Jersey, Mr. BROWDER, and Mr. MAVROULES.

H.J. Res. 390: Mr. FRANKS of Connecticut, Mr. MARKEY, and Mr. THOMAS of Wyoming.

H.J. Res. 397: Mr. DARDEN, Mr. ROE, Mr. POSHARD, Mr. LEHMAN of California, and Mr. LANCASTER.

H.J. Res. 408: Mr. WALSH, Mr. RAHALL, and Mr. DINGELL.

H.J. Res. 409: Mr. ACKERMAN, Mr. SARPAIUS, Mr. SANDERS, Mr. GLICKMAN, Mr. COBLE, Mr. ORTIZ, Mr. CAMPBELL of Colorado, and Mr. BLACKWELL.

H.J. Res. 411: Mr. EMERSON, Mr. JONTZ, Mr. TOWNS, Ms. KAPTUR, Mr. GEKAS, Mr. HEPNER, and Mr. PALOMARVA.

H.J. Res. 415: Ms. NORTON, Mr. HUNTER, Mr. BEVILL, Mr. JONES of North Carolina, Mr. WILSON, Mr. GUARINI, Mr. MONTGOMERY, Mr. WALSH, Mr. ROEMER, Mr. GEREN of Texas, Mr. BLACKWELL, Mr. SKEEN, Mr. MAVROULES, and Mr. SOLOMON.

H.J. Res. 430: Mr. PASTOR, Mr. HALL of Texas, Mr. PANETTA, Mr. McDERMOTT, Mr. MARTINEZ, Mr. BEVILL, Mr. BLACKWELL, and Mr. DeFazio.

H.J. Res. 434: Mr. ABERCROMBIE, Mr. ATKINS, Mr. DeFazio, Mr. DONNELLY, Mr. EVANS, Mr. FASCELL, Mr. GUARINI, Mr. HOGGTON, Mr. HUTTO, Mr. KENNEDY, Mr. MARKEY, Mr. MARTINEZ, Mr. McDADDE, Mr. McMILLIN of Maryland, Mr. MFUME, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Ms. NORTON, Ms. OAKAR, Mr. OBERSTAR, Mr. OLIVER, Mr. PERKINS, Mr. STUDDS, and Mr. TAYLOR of North Carolina.

H. Con. Res. 224: Mr. BROWN, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. MCCLOSKEY, Mr. HOGGTON, Mr. RUSSO, Mr. EVANS, Mr. GOSS, Mr. GOODLING, and Mr. WEBER.

It is not my purpose to analyze critically the various specifications, requirements, provisions, and restrictions of the various world government schemes which the American people are being asked to consider to be inimical to our national sovereignty and independence of our constitutional Republic; rather, I am well upon these inherent contradictions, false promises and ridiculous notions that render the theory of world government impracticable in itself.

The avowed supreme goal of world government advocates is the creation of a federal government embracing all the nations of the world, which they consider to be the only conceivable way to establish and preserve world peace. Extremely vocal prior to and during World War II and in the late forties, they found expression in such organizations as: Federal Union, Inc., the Atlantic Union Committee, Inc., United World Federalists, Inc., and various other lesser groups. Before any valid argument can be made against the theory, the best possible case for the opposition must be fairly and objectively established and can best be accomplished by quoting directly from their literature, speeches, and public pronouncements.

A brochure entitled, "Let's Not Make the Same Mistake Twice" (published by Federal Union, Inc.) very aptly states their reason for existence and can be fairly presented as representing the motivations of all world government agitators even though not all would subscribe to the federal union plan.

The brochure says: "after the war will come something called 'peace.' And, it is equally the duty of every American to bear in mind that the fate of democracy, and our own future, will depend not alone on the outcome of the war but on the outcome of that 'peace' also. We need a peace-aim as less than a war-aim, for victory. We helped to win the last war. We lost the peace. Now we are at the crossroads again! Why? Do we, the free peoples of the earth, know where we expect to go? Have we a plan to attain an orderly, peaceful, prosperous world based on freedom? Up until now the answer has been, no . . . But there is an answer now. Federal union is such a belief. Federal union is a faith in an expanding democracy, and in an expanding, embracing, democratic way of life for the whole world. Federal union proclaims for the free peoples, 'We do know where we want to go and how to get there.'"

The organ outlines "A strong, but flexible union" composed of the "English-speaking democracies" to be open to other nations "as they develop or restore democratic rights." It further proposes that "the union would guarantee every citizen the individual rights set forth in our Bill of Rights, the rights of free men." And it passionately suggests that "it be abandoned for something better if something better can be found." Not being a "true" world government plan—that is, not including all the nations of the world—this plan has been forced into collision by a larger and more aggressive group, the United World Federalists, Inc. (the main contenders in the world government arena in this country today).

Such prominent figures as former Senator Robert C. Hendrickson, of New Jersey, shouted for world government; making an impassioned plea on the floor of the Senate in July 1949, he called for the ratification of the Atlantic Pact, eventual Atlantic federal union and ultimate world government. Owen J. Roberts, retired Justice of the United States Supreme Court; Robert F. Patterson, former Secretary of War; Harold I. Ickes, former Secretary of the Interior; Will L. Clayton, Joseph C. Grew, William Phillips, and Robert Woods Bliss, all former Under-Secretaries of State were all members of the aforementioned Atlantic Union Committee, Inc.

This committee sponsored Senate Concurrent Resolution 4, House Concurrent Resolution 28 with the active support of 28 Senators and 84 Congressmen. The resolution stated that whereas Federal union in this country had secured prosperity and abundance for Americans, the President be requested to invite the democracies which sponsored the North Atlantic Treaty to a convention to explore the possibilities of forming within the framework of the United Nations, the principles of free federal union, the avowed end result of which was to establish an Atlantic federal union as a necessary first step toward ultimate world government.

From all the foregoing it must be conceded that the world government proponents were keenly aware of the need for a definite and concrete plan to win the peace, and they were predisposed to act. This is all to their credit as the majority of us were either hoping that the war would soon be over so that we could get back to business as usual or that it would never end since we never had it so good.

From the outset the world government schemers have been awed by the greatness and tremendous success of this country but have made the fatal mistake of reasoning that the mere fact that our forefathers joined together in a Federal union was the underlying reason for its unbelievable success and prosperity; that this joining-together, in itself, brought law, order, peace, harmony, and abundance to our shores. That it failed completely to prevent one of the bloodiest fratricidal wars in history is a fact they seem to ignore. Confusing cause and effect, they have consistently failed to make the main plank in their platform the real reason why our form of government breeds peace, law, and order; in attempting to give everyone as fine a cornfield as we enjoy they fail to grasp the inviolable rule of law that the same kind of seed corn must be planted.

Before our Founding Fathers wrote the Declaration of Independence, the Constitution, or Bill of Rights, they were in general agreement on one great principle—that God is the source of all law and authority and that His law is supreme in the order of things. They went on from there. Representing many divergent religious views, economic backgrounds, political convictions, customs, traditions, manners, and habits, they found a common ground on which to meet, a mutually acceptable moral standard defined with reasonable clarity, and made it the heart and soul of the new Government. That, and that alone, is the secret of our tremendous growth and success as a Federal union.

Having found an organic unity, an indestructible cohesive element, they founded our constitutional Republic upon solid rock: agreed on the supremacy of God and His law as well as their absolute dependence upon Him, they wrote into our Constitution the inviolable principle that certain institutions and human relations are outside the authority of government.

All world government schemes are notoriously conspicuous not only for their ignorance of God as the highest authority but even for the need of a universally acceptable standard of morals and ethics. If the world is to be held together in one inseparable unit subject to a single government. There are many broad hints and generalizations about "embracing democratic principles," "peace, security, and abundance," "universal brotherhood," etc., but no mention of the creative source of these ideals. Herein lies the greatest weakness of the world government notion; herein lies the breach through which seeps the corrosive elements that dissolve the highest ideals, the best intentions, and most profound achievements.

Keeping in mind that these first plans for world government were designed primarily

for the free peoples and left open to other nations "as they develop or restore democratic rights," let us examine to what extent these essentially sound ideals have become corrupted because their champions have chosen to build on sand.

At the second London Parliamentary Conference on World Government, foreign world government groups in collaboration with the United World Federalists, Inc., drew up plan A and plan B for transforming the United Nations into a world government. Plan A stipulates that membership should be open to all states of the world, and all must be urged to join. This would include all the Communist nations. The UWP would have us join with the enemy in a worldwide socialistic organization to preserve liberties which he is unalterably committed to destroy, even when he has candidly admitted that this is easiest of accomplishment by getting the free nations to join with him in just such a coalition. Once membership has been accepted, continued membership must be compulsory. There must be no right of secession. If our enemies chose to vote our freedoms down the drain we couldn't even shoot our way out as a provision on disarmament precludes the possibility. And what a notorious repudiation of our Declaration of Independence; that great document states that when any government becomes destructive of man's unalienable rights it is the right of the people to alter or to abolish it, and to institute new government. The lower chamber of the proposed world legislature, should consist of representatives of member states in numbers proportionate to population. The lethal aspects of this provision are obvious when we consider that the United States has a population of roughly 180 million; the combined population of the Communist nations and those disposed to follow the dictates of the Kremlin number well over a billion.

Another provision of plan A is that taxes should be levied proportionately to national income. No comment needed.

Plan A, ostensibly designed to extend democratic ideals throughout the world, also provides that members of the upper chamber, or senate, of the proposed world legislature be appointed rather than elected, as this would tend to secure the representation of some valuable men and women who are not willing to submit themselves to popular suffrages. A sobering thought when we consider that Alger Hiss, Judith Coplon, John Stewart Service, John Carter Vincent, William Remington, Harry Dexter White, and others, were able to convince essentially loyal American administration officials that they were valuable people worthy of sensitive posts, and that only those who were willing to submit themselves to popular suffrages had the courage to bring the facts to light and convince administration officials that those others weren't as they had represented themselves.

That this plan, and plan B (which is only slightly less radical and for which they will press if plan A fails to get the necessary U. N. support) threatens the continued existence of our constitutional Republic goes without saying. For as the law now stands, a treaty supersedes our Constitution and the U. N. Charter is a treaty. And the United World Federalists plan to put over this blueprint for national suicide in July 1955—this year.

It is perhaps an oversimplification, but it would seem that the world government notion is an attempt to produce goodness (or goodness, peace, harmony, and abundance) without God. Having thus started off on the wrong foot each successive step has led its apostles farther afield.

But world government supporters are not willing to start over. They continue to err by reasoning that goodness (or peace, law,



Committee on Violence (Select): establish (see H. Res. 390), H1100 [5MR]

Community Development Block Grant Program: eligibility relative to protection of abortion rights (see H.R. 4158), H1101 [5MR]

Copyrights: digital audio recordings (see H.R. 3204), H933 [3MR]

Day of Recognition of Filipino World War II Veterans: designate (see H.J. Res. 424), H1134 [10MR]

Earth Day: designate (see H.J. Res. 421), H1268 [12MR]

Electric power: electromagnetic fields research and public information dissemination programs (see H.R. 3953), H933 [3MR]

Endangered species: protection of the African elephant (see H. Con. Res. 256), H1181 [11MR]

Greek Independence Day—A National Day of Celebration of Greek and American Democracy: designate (see H.J. Res. 390), H1009 [4MR]

Higher Education Act: amend relative to certain guaranteed student loan requirements (see H.R. 4277), H1181 [11MR]

Japan: opening of business markets (see H. Res. 331), H934 [3MR]

Military installations: incarceration of certain aliens in closed installations (see H.R. 4440), H1180 [11MR]

National Rehabilitation Week: designate (see H.J. Res. 411), H873 [2MR]

Pharmaceuticals: research on diethylstilbestrol (see H.R. 4178), H1268 [12MR]

Radioactive substances: health benefits to employees of Dept. of Energy nuclear facilities for certain injuries (see H.R. 3908), H1008 [4MR]

Selective Service System: regulation of certain local and civilian boards and agencies (see H.R. 4367), H932 [3MR]

States: regulation of surface transportation rates by certain motor and air carriers (see H.R. 3221), H1268 [12MR]

Taxation: treatment of unemployment compensation (see H.R. 4405), H1268 [12MR]

Voting: establish national voter registration procedures for Federal elections (see H.R. 4366), H1268 [12MR]

**Remarks by, on**

Budget: setting forth the Federal budget for 1993-97 (H. Con. Res. 287), H1044, H1045, H1048 [5MR]

Education: national policy to reduce illiteracy and improve mathematics and science skills, H1048 [5MR]

Firearms: constitutional amendment to repeal amendment relative to the right to bear arms (H.J. Res. 438), H1168-H1170 [11MR]

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Economic Impact on Education-Related Jobs Due to Reductions in Defense Spending, H1049 [5MR]

**OWENS, WAYNE (a Representative from Utah)**

**Bills and resolutions introduced by**

Budget: clarification of certain allocations and funds (see H.R. 4420), H1134 [10MR]

Taxation: treatment of new domestic manufacturing facilities (see H.R. 4379), H1007 [4MR]

**Bills and resolutions introduced by, as cosponsor**

Commission on the Advancement of Women in the Science and Engineering Work Forces: establish (see H.R. 3476), H1134 [10MR]

Copyrights: digital audio recordings (see H.R. 3204), H933 [3MR]

Day of Recognition of Filipino World War II Veterans: designate (see H.J. Res. 424), H1134 [10MR]

Education and Sharing Day, U.S.A.: designate (see H.J. Res. 410), H873 [2MR]

Federal Prison Industries: participation in Federal procurements (see H.R. 3662), H933 [3MR]

Federal Reserve System: GAO audit (see H.R. 1468), H1268 [12MR]

Financial institutions: limit liability on holdings in violation of certain environmental laws (see H.R. 1450), H933 [3MR]

Homosexuality: prohibit discrimination based on affectual or sexual orientation (see H.R. 1430), H 30 [5MR]

House of Representatives: prohibit franked mass mailings outside congressional districts (see H.R. 4104), H1009 [4MR]

Nuclear weapons: targeting of strategic weapons by the U.S. and the Commonwealth of Independent States (see H. Con. Res. 271), H934 [3MR]

Public Service Recognition Week: designate (see H.J. Res. 430), H1134 [10MR]

U.N.: U.S. participation in Conference on Environment and Development (see H. Con. Res. 292), H1267 [12MR]

Week for the National Observance of the 50th Anniversary of World War II: designate (see H.J. Res. 371), H933 [3MR]

Women: opportunities in apprenticeships and non-traditional occupations (see H.R. 3475), H1134 [10MR]

World War II anniversary of the Battle of Midway (see H. Con. Res. 276), H1134 [10MR]

—establish in the District of Columbia a memorial to veterans (see H.R. 1624), H1268 [12MR]

—issue 50th anniversary commemorative coin (see H.R. 1623), H1268 [12MR]

**Remarks by, on**

Azerbaijan: U.S. trade policy (H.R. 4161), H1130 [10MR]

Budget: clarification of certain allocations and funds (H.R. 4420), E613\* [11MR]

Kennecott Corp.: commitment to modernize plant to improve air quality, E663\* [12MR]

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation: establish (S. 2184), H389 [3MR]

Taxation: treatment of new domestic manufacturing facilities (H.R. 4379), E536\* [4MR]

**Remarks in House relative to**

Special order: granted, H1132 [10MR]

**Testimonies**

Committee on Energy and Commerce: National Waste Reduction, Recycling, and Management Act (H.R. 3465), D241 [10MR]

**OXLEY, MICHAEL G. (a Representative from Ohio)**

**Bills and resolutions introduced by, as cosponsor**

District of Columbia: penalties for first degree murder (see H.R. 4369), H1113 [9MR]

House of Representatives: prohibit franked mass mailings outside congressional districts (see H.R. 4104), H1009 [4MR]

House Rules: amend relative to the availability of appropriations for office salaries and expenses (see H. Res. 376), H1101 [5MR]

Irish Brigade Day: designate (see H.J. Res. 427), H1268 [12MR]

Medicaid: coverage of hospice care (see H.R. 860), H1008 [4MR]

Medicare: coverage of outpatient education services for individuals with diabetes (see H.R. 3806), H1181 [11MR]

National Agriculture Day: designate (see H.J. Res. 272), H1101 [5MR]

States: taxation of nonresidents pension income (see H.R. 431), H1181 [11MR]

Taxation: capital gains (see H. Con. Res. 285), H1269 [12MR]

—small issue bonds (see H.R. 1186), H933 [3MR]

Week for the National Observance of the 50th Anniversary of World War II: designate (see H.J. Res. 371), H1101 [5MR]

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**PAARLBERG, ROBERT**

**Testimonies**

Committee on Economics (Joint): U.S. Agricultural Competitiveness, D213 [4MR]

**PACK, HEIDI**

**Energy**

Voice of Democracy, E531 [4MR]

## PACKAGING

## Articles and editorials

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Per-Capita Fee Catch on as Area's Trash Mounts, S3306 [11MR]

## Bills and resolutions

Recycling: refund value for certain beverage containers and provide resources for State pollution prevention (see S. 2335), S3301 [11MR]

## Letters

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—Solid Waste Utility, Seattle, WA, S3303 [11MR]

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Recycling: refund value for certain beverage containers and provide resources for State pollution prevention (S. 2335), S3301-S3317 [11MR]

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**PACKARD, RON (a Representative from California)**

## Bills and resolutions introduced by

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## Bills and resolutions introduced by, as cosponsor

Aliens: incarceration for Federal offenses (see H.R. 1704), H1268 [12MR]

Appropriations: rescind certain unnecessary appropriations (see H.R. 3217), H933 [3MR]

Dept. of Defense: coordination of health care facilities and resources (see H.R. 3145), H1101 [5MR]

Economy: support technological innovation to maximize U.S. energy supply (see H.R. 4460), H1267 [12MR]

Education: prohibit prison inmates from receiving Pell grants (see H.R. 3967), H1008 [4MR]

Federal employees: travel expenses (see H.R. 3780), H1008 [4MR]

Government: greater accountability for foreign travel (see H.R. 461), H933 [3MR]

House of Representatives: disclosure of information relative to check cashing at House bank (see H. Res. 395), H1267 [12MR]

Irish Brigade Day: designate (see H.J. Res. 427), H1268 [12MR]

National Council on the Arts: abolish (see H.R. 299), H873 [2MR]

Naval petroleum reserve: lease certain reserves to assure production of resources at that property (see H.R. 701), H1181 [11MR]

Student loans: eligibility relative to default rates of institutions (see H.R. 327), H1008 [4MR]

Taxation: capital gains (see H. Con. Res. 285), H1269 [12MR]

—reduce income tax rate, encourage investment and savings, and limit spending increases (see H.R. 3290), H1268 [12MR]

U.N.: limit U.S. contributions (see H.R. 301), H1008 [4MR]

records, and to Vehicle Maintenance File Folder (Form No. 103-F) for permanent historical records.

While driving his truck, a driver who has jumped through all these hoops must be sure he has a copy of each of these three handbooks: the "Federal Motor Carrier Safety Regulations," 408 pages; the "Emergency Response Guidebook," about 300 pages; and the "Driver's Pocket Guide to Hazardous Materials," 290 pages. All these books must be purchased from the U.S. Department of Transportation and are packed with thousands of regulations the driver must abide by. These books cannot be stored in the glove compartment of the truck; they must always be in reach of the driver. Of course, the driver must sign a receipt stating that he understands all of these regulations. And he had better, because if he does not he will be in serious trouble if he is found in violation of any of these regulations.

Finally, each truckdriver must carry one of these "Post-Trip Vehicle Inspection" booklets. The law states that at the end of each trip the driver must conduct a detailed inspection of his vehicle. By law, he must check the service brakes including trailer brake connections, the parking brake, the steering mechanism, lighting devices and reflectors, the tires, the horn, windshield wipers, rear vision mirrors, coupling devices, wheels and rims, and all emergency equipment. The driver must prepare a written report of this daily inspection and sign it.

□ 1730

My constituent related to me an incident by which there had been a routine check of one of his trucks and they found that one of the lug bolts on the coupling for the trailer was not as taut as it should have been, but it was not loose. They had to call a mechanic to come out and tighten it. The regulations did not even allow the truckdriver the right to correct it.

These areas of regulation I am talking about are only those affecting the transportation activities which my constituent's company is involved in. He faces many more areas of regulation in his regular course of business. Not only are these regulations excessive, but many are unnecessary. This is regulation run amok. It is crazy. Crippling regulations have stunted investment and economic activity, and must cost untold numbers of jobs. Regulations have played a direct role in causing this recession and increased costs to all of our constituents and consumers.

Let us unleash American business so that we can again take our rightful place as the economic leader of the free world and put American workers back to work.

# LEGISLATION CALLING FOR REPEAL OF THE SECOND AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Ms. Pelosi). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS of New York. Madam Speaker, today I have introduced a resolution which calls for the repeal of the second amendment to the Constitution. The second amendment to the Constitution reads as follows:

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Madam Speaker, is the second amendment still necessary in 1992? And does the second amendment, the existence of it, give the right to the manufacturers of guns, the distributors of guns, the fanatics who must have automatic weapons of all kinds, does it provide a right to them?

Madam Speaker, I have been told that the second amendment does not guarantee that right, but it is because the second amendment has been distorted and is often misquoted to mislead the American people to believe that because the second amendment exists we should not and we cannot regulate the manufacture, the sale, and the distribution of guns in the United States.

As a result of the notion being promulgated that we cannot regulate the sale and distribution and manufacture of guns, we have a paralysis by legislators across the country and by the Congress. Repeatedly, public opinion polls have shown that the American people do want more gun control. They want more regulation of guns.

Of course, a No. 1 issue across the Nation is crime and solutions to the problem of crime. Madam Speaker, crimes of all kinds I abhor, but crime which results in the death of individuals is of particular concern and should be of particular concern to all of us.

The recent tragic shootings of two young persons at Thomas Jefferson High School in New York City has renewed interest in some kind of immediate, urgent action to deal with guns and the gun culture.

Madam Speaker, two young persons, one named Ian Moore and the other's name is Tyrone Sinkler, they happen to live—they happened to live in my congressional district. The tense is important here.

Thomas Jefferson School is not located in the district, but these young people resided in the 12th Congressional District.

Somehow their shooting has shocked even New York City, which has too many homicides and too many guns despite the fact that we have very tight gun control laws in both New York City and New York State. The fact is that these youngsters were

murdered in cold blood in a school; the fact is that the young man who pulled out the gun and shot them has no fear of being caught and no concern about snuffing out human life and taking his punishment subsequently. In addition to the two persons being shot that day, their lives being snuffed out immediately, another young person who was a friend of theirs went home and, with a gun, committed suicide, took his own life.

□ 1740

Mr. Speaker, in the space of 5 days in New York City there were about 10 shootings. About five people were killed with guns. That is in New York City, which is highly visible. They got a lot of publicity, and all the world knows about it.

But what my colleagues do not know about is that all around the country, in both rural communities and suburban communities, young people are taking their lives and taking each other's lives in large numbers. We know about the mass murders when automatic weapons are being taken into post office buildings, and people getting revenge for various reasons have snuffed out the life of dozens of people. We know about the mass murder that took place in a cafeteria where the target seemed to be primarily women. We know about these. They get a lot of publicity. What we do not know is that the statistics will show in school district after school district across the country these incidents are taking place.

Mr. Speaker, I have been invited to serve as a moderator for a panel, a teleconference, entitled "Challenges in Choices. Violence in the Schools." This teleconference is sponsored by the National Association of Secondary School Principals' urban services office. It is going to take place next Wednesday. The brochure that was sent to me starts as follows: It relates to incidents where young people were murdered or young people were guilty of murdering people in schools. In Pinellas County, FL, for example, an assistant high school principal was killed and another administrator and teacher at that school injured by students who were armed with stolen revolvers. In Garden, KS, two teachers and a junior high school principal were killed by a 14-year-old boy with an automatic rifle. My colleagues did not hear any headlines about this, and there are numerous other incidents that are taking place all across the country that we do not read the headlines, we do not see them on television. They are not in New York City with the media present to publicize it, but it is happening all over, the culture of the gun, the culture of violence. It has taken hold, and this generation, which we could call the Rambo generation because they are fed by films and videos that glorify violence, the Rambo generation marches on, and



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the shock of having two young people murdered in high school is appropriate.

Mr. Speaker, it means that we are one step closer to the collapse of civilization. We are one step closer to the collapse of our society. What will happen next? We will have young people carrying guns into churches and murdering people in churches. It would be another step closer to the collapse of civilization as we know it.

What are we doing to protect our youth from senseless killing? What are we doing as adults? As parents? And, most important, those people who are most responsible for how our society works? What are we doing as legislators? What are we doing as congresspersons to protect our young people? Are we doing all we can do? Or are we wimpishly bowing to a gun lobby and not a committee, civilized actions, to be taken in order to control the manufacture, the sale, and distribution of guns? What is different? What is the difference between our society and other industrialized societies?

Japan, or Germany, or Great Britain, or France: why is it these industrialized societies have a far lower set of casualties as a result of gun play? Why is it that it goes way, way down, the comparisons with Great Britain, and Germany and Japan? It is astonishing in terms of the number of people who have been killed by guns. These societies are able and willing to control the manufacture, distribution, and sale of guns, and this society is not.

The savage, barbaric behavior of a young man who whips out a pistol and shoots dead two students in a high school is horrendous, but in responding or failing to respond the Members of Congress and any other State legislatures or city legislatures are equally as savage and equally as barbaric if they do not take steps to use their power to control the manufacture, sale, and distribution of guns.

I have offered this resolution to repeal the second amendment very seriously. I do not have any illusions about the fate of the resolution in terms of its passage. I do not have any illusions about the possibility of an amendment really taking place because, even if Congress passes it, it has to go to State legislatures.

That is not my goal. My goal is to raise the level of debate, accelerate the level of debate and discussion about the need to control the sale, manufacture, and distribution of guns in our society. The democratic process often works well in the United States. The will of the people is usually carried out sooner or later by their elected legislators and officials. If they do not act to carry out the will of the people, they are going to get removed sooner or later, but not always is it sooner. Sometimes the will of even a very large majority can be thwarted by a small group of single-issue fanatics who use money and threats to intimidate elected representatives so

they fail to pass legislation that the overwhelming majority of the people want.

Polls have clearly shown that 75 to 85 percent of the people want some form of gun control, but we do not have gun control, except to a very limited extent, because a small group of intense gun fanatics have perverted the democratic process through threats and intimidation of any public figure who dares to speak for and vote for what the overwhelming majority of the people want. Elections never provide a clear expression of public opinion on any single issue since a vote is determined by a number of issues and also by moves and political personalities. Thus the people never send a strong, clear signal in favor of gun control because the system does not give them the opportunity. But the single issue of gun control fanatics are very clear in their message. They send a message which is very powerful in their spending big money to defeat candidates in their letter writing campaigns and their intimidation of many elected officials.

Mr. Speaker, we must give the American people as a whole an opportunity to express their opinion on control and regulation of guns, especially the concealable handguns and the semiautomatics. Let us have a public debate and discussion nationwide to find out whether the people want to turn away from violence.

The second amendment is unnecessary in 1992. The purpose of the second amendment is to assure the people's right to bear arms in a well-regulated militia. Nobody would dream of interfering with the use of guns by the National Guard, the Armed Forces Reserves, which is our well-regulated militia, the Armed Forces Reserves, or any local militia, or the police departments. We are not going to interfere with it, and the right of that kind of well-regulated militia is protected and understood without this amendment being in place.

The second amendment has a very limited purpose and intent. It is very clear the courts have interpreted that it does not mean that we cannot control and regulate guns, the sale, the manufacture, and distribution of guns. Congress can do that. We have the power. But the second amendment has been twisted. Its purpose and intent has been distorted and perverted by gun control fanatics whose view it is that guns may not be regulated or controlled in any way, and they have fooled us, hoodwinked the American people into believing that we cannot control guns. We violate the Constitution if we do so. The second amendment does not say anything like that, but they interpret it that way, and they have managed to convince very large numbers of intelligent people that any gun regulation is unconstitutional.

Are our rights as a free people jeopardized in 1992 by a waiting period for the purchase of a handgun?

□ 1750

Are our rights as a free people jeopardized in 1992 by a criminal investigation of purchases of guns? Are our rights as a free people jeopardized by the regulation and supervision of gun dealers? Are our rights as a free people jeopardized by severe limitations on the manufacture, import, and sale of semiautomatics and machineguns?

Certainly not. But the gun fanatics tell us the Republic will be in danger if these modest measures are taken by the Congress.

The Congress has the power right now. It can do what is necessary to regulate the manufacture, sale, and distribution of guns.

Only Congress can have the necessary impact. It does no good for New York City to pass strict gun control laws as it has already done, or for New York State to pass strict gun control laws, as it has already done. If the guns are freely available in other States and can be transported across State lines, as they are.

We have only a handful of companies in this country that manufacture guns. Their greed has pushed them to make them more and more attractive. Weapons are more streamlined, more automatic. They fire more bullets, and they are more deadly than ever before. They are smaller and cheaper. So we are pushing guns the way we sell soap at this point.

Only a barbaric society would continue to push deadly weapons as if they were toys, or push deadly weapons as if they were appliances. Here in Washington we have citizens who have taken the initiative and passed an initiative which calls for liability, a gun liability law, which makes the manufacturer, the dealers, and all the people who have connections with the guns, liable when a person is injured or killed by a gun.

There are people in Congress who are fighting that legislation. We need the same legislation across the country in every State and in every city.

Madam Speaker, let me share some articles. I am not going to read them, but I would like for Members to read a series of articles that have appeared in the New York Times. The fourth article appeared today. These articles are about guns and the gun culture, the gun manufacturers, the gun salespeople, the proliferation of guns and what is behind them. This series of articles started in the New York Times on Sunday, March 8, and have appeared every day, March 8, March 9, March 10, and today, March 11. I urge Members and all others who want to take steps to end this barbaric failure to regulate guns to get background on the issue.

Madam Speaker, the CRS, the Congressional Research Service, has also



records, and to Vehicle Maintenance File Folder (Form No. 103-F) for permanent historical records.

While driving his truck, a driver who has jumped through all these hoops must be sure he has a copy of each of these three handbooks: the "Federal Motor Carrier Safety Regulations," 408 pages; the "Emergency Response Guidebook," about 300 pages; and the "Driver's Pocket Guide to Hazardous Materials," 290 pages. All these books must be purchased from the U.S. Department of Transportation and are packed with thousands of regulations the driver must abide by. These books cannot be stored in the glove compartment of the truck; they must always be in reach of the driver. Of course, the driver must sign a receipt stating that he understands all of these regulations. And he had better, because if he does not he will be in serious trouble if he is found in violation of any of these regulations.

Finally, each truckdriver must carry one of these "Post-Trip Vehicle Inspection" booklets. The law states that at the end of each trip the driver must conduct a detailed inspection of his vehicle. By law, he must check the service brakes including trailer brake connections, the parking brake, the steering mechanism, lighting devices and reflectors, the tires, the horn, windshield wipers, rear vision mirrors, coupling devices, wheels and rims, and all emergency equipment. The driver must prepare a written report of this daily inspection and sign it.

□ 1730

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put out extensive information on public opinion with respect to gun control, as well as gun control regulations. When I asked for material from CRS I was delighted to hear that many Members of Congress have requested the same kind of information, and therefore they have the information readily available.

So I would hope that those Members who are interested and have gotten the information will join me in offering this resolution to repeal the second amendment. I hope also we will take whatever steps are necessary long before the second amendment finds its way onto the floor of Congress to end the savage and barbaric proliferation of guns in our society.

Madam Speaker, I cannot stress too much the accusation that I am making, and that is that we are behaving in a barbaric and savage fashion when we have the power to regulate guns and we refuse to use that power.

Madam Speaker, I would like to call attention to an editorial that appeared in New York Newsday as a reaction of my announcement that I would introduce a resolution to repeal the second amendment.

Madam Speaker, it is entitled "Good Instinct, Wrong Policy: Don't Touch the Bill of Rights." It read as follows:

**GOOD INSTINCT, WRONG POLICY—DON'T TOUCH THE BILL OF RIGHTS**

U.S. Rep. Major Owens is so disturbed by the violence racking his Brooklyn district that he's drafting a resolution that would seek to repeal the Second Amendment—the section of the Bill of Rights that says: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

It's hard to blame Owens for wanting to take drastic action. Since November, three students have been shot to death in the halls of Thomas Jefferson High School in East New York. Homicides in the neighborhood's 75th Precinct, one of the city's most violent, are running ahead of last year's numbers. Still, Owens is misguided as he works to drag the Second Amendment into the cross-hairs.

To the gun lobby, it's an article of faith that the Second Amendment guarantees all Americans an absolute right to pack heat. But the gun lobby—led by the deep-pockets National Rifle Association—is wrong. In 1939, the U.S. Supreme Court ruled that the amendment does not prohibit the feds from controlling firearms. The court over the years has been more than willing to stick with that wisdom. What's more, says Dennis Hengan, director of the Legal Action Project for the Center to Prevent Handgun Violence, the court has never found that the Second Amendment even applies to the states.

So why was the amendment written? Legal scholars say it was drafted to protect citizens from abuses by a large standing army. Before the revolution, the king's troops were sometimes quartered in civilian homes—to the distress of citizens. But because the local militias had been disarmed, citizens had no choice but to comply. The amendment was meant as a guarantee to citizens that such abuses could not happen again.

By "militia," the gun crowd insists, drafters of the Bill of Rights meant a university

armed people, not a specific group. But the Supreme Court has rejected that idea. And no less a conservative than former Supreme Court Chief Justice Warren Burger has explained: "It is the simplest thing: a well-regulated militia. If the militia—which is what we now call the National Guard, essentially—has to be well-regulated, in heaven's name why shouldn't we regulate 14-, 15-, 16-year-old kids having handguns or needlums having machine guns?"

If nothing else, says Owens, perhaps his resolution will start a useful discussion about the urgent need for stronger gun-control laws. Maybe so. But Congress doesn't need a constitutional amendment to act. It needs a little more backbone in the face of a strident and well-oiled lobbying machine.

Madam Speaker, I welcome the criticism of the New York Newsday editorial, because they have done exactly what I wanted to happen: They have escalated the debate and made the debate more visible. I urge all Members to follow the debate, to follow the kind of reaction which some newspapers, including the Wall Street Journal, have had to the recent outbreak of violence in New York City, and, of course, similar violence which has taken place across the country.

Madam Speaker, the Wall Street Journal had an article on gun manufacturers showing that 65 percent of the guns in the country come from two manufacturers. I think, Madam Speaker, they are based in California.

The series in the New York Times goes further and talks about the entire gun culture, including the fact that we allow films and movies to be promulgated in large numbers which glorify violence.

Congress has gotten very excited and allowed itself in many cases to be stampeded on the issues of pornography. We have been quite quiet on violence. There are films which promulgate and glorify violence to no end. "Rambo" and the series of Rambo films probably represents the greatest depth to which profit-hungry Hollywood producers have gone to tap their desire for more violent films.

Our children have been raised on this on television. We have not sought to control the violence on television in any way. There are some countries in this hemisphere who will not allow American films to be shown because they are violent and because they want to control what their youths see with respect to violence.

We at this point are not the only industrialized nation that lacks gun control, but we are among the few. Most nations that are industrialized do have tight control over the manufacture, sale, and distribution of guns.

Madam Speaker, I hope that in the coming weeks and months we will reconsider our position. We have a crime bill that is being negotiated in conference now. That crime bill takes only very timid steps. If you add the Brady amendment, as I understand has been accomplished, the Brady amendment that we passed, the Brady bill that was passed in the House of Representatives, as part of the discussion in that

conference, even if you add that bill, is only a timid, small step taken toward the regulation of guns.

Madam Speaker, that bill is obsessed with the death penalty. It adds many, many Federal requirements that the death penalty be imposed for crimes totally out of step with what reality has shown.

□ 1800

The death penalty has not reduced violence or crimes at all. The States which have executed the most people since the Supreme Court allowed the renewal of punishment by death, those States have the highest crime rates, and they are escalating. The homicide rates are increasing. So the death penalty is not going to solve the problem.

Gun control is a practical way to deal with the most lethal weapon in the crime culture. If we can stop the slaughter of the innocents, we will have taken a great step forward in protecting our people. It is our duty to do that. We should stop acting barbaric. We should stop acting savage.

We should accept our responsibilities and do the civilized thing, foster and promote laws which control the sale, distribution, and manufacture of guns. We can do no more for people like Ian Moore and the other three youngsters, two youngsters who died on the same day.

There is a long list. We could recite them on the floor of this House, and maybe it would be good to recite a list of all the young people who have died in the last few years from gunshot wounds. It might bring us to our senses.

We are not protecting our children. Any civilization that cannot protect its children does not deserve to be called a civilization. I hope we will remember that.

#### DON'T UNDERCUT THE CHINESE STEPCHILDREN OF ADAM SMITH

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 20 minutes.

Mr. LEACH. Madam Speaker, in the wake of the House override of the President's veto this afternoon of the Pelosi resolution, I would like to elaborate on the reasons for my vote to uphold the President's veto.

As the premier democratic legislative body in the world, we have an obligation to reflect American values to the world. In this regard, no one in this body disagrees that the sensibilities reflected in the Pelosi bill are expressive of consensus American politics and social philosophy.

What does exist, however, is a division of opinion on how the United States can best advance its interest in China, how best we can play a constructive role in making the Chinese



attendant upon their establishment and maintenance on foreign soil. In that respect, air power represents, diplomatically, an instrument of national policy that is superior to its predecessor of the last century, sea power, the world-wide deployment of which was often branded as imperialistic and aggressive. With the development of the global range of aircraft and the advent of nuclear weapons, local control of the air anywhere on the face of the earth, except over the continental base of air power containing the source of its industrial origin, can no longer be maintained. Thus, intermediary bases have become not only unnecessary but actually untenable. It follows that the base of air operation should be so located that any attack against it will involve for the attacker the risk of engaging the entire air might of the Nation. (This proposition, incidentally, defines the air power of the British Isles. Although an insular nation, Britain possesses a vast industrial complex and a large, technologically skilled population. She is a source of air power of global significance that is capable of accepting a challenge to her air sovereignty.)

It follows, also, that because local control of the air cannot be maintained, air power can no longer be applied on a sustained basis against a continent from intermediary bases located on its periphery, whether those bases are fixed on land or are floating, as aircraft carriers. If, for example, a floating base ventures beyond the protective canopy of a friendly continental air force, it becomes untenable. It stands to reason that, like an intermediary base, a floating base can never contain enough air power to challenge or ward off the entire air force of a hostile continent. Further, with the development of nuclear weapons of a size conveyable by small subsonic aircraft, the floating base, like any other intermediary base, becomes extremely vulnerable and once destroyed has no powers of recuperation.

From the above assumptions, it becomes clear that command of the air means a global command, exercised directly from the continent of its industrial origin. Either one controls the entire air ocean clear around the globe or one controls nothing.

In defining air power military experts have invariably paraphrased the historic definition of sea power, maintaining that air power includes a nation's air force, the military aviation of its other services, its civil aviation and civil air transportation system, its aircraft industry, and the aeronautical skills of its population. In other words, they have held that air power comprises that entire portion of the national effort that expresses itself in aircraft, their crews, and their operational facilities.

In the strict military sense of differentiating the respective strategic roles of the land, sea, and air forces, such a definition of air power can be challenged. The reason the sea-power formula is not applicable to air power is that the movement of ships is naturally confined to their medium, the water, and cannot directly participate in, or compete in parallel with, overland movement. It is logical, therefore, that the national effort that culminates in ships, their crews, and their operational facilities constitutes strictly sea power. On the other hand, it has never been claimed, for example, that army ordnance facilities and skills, although applicable to the production of naval guns, constituted sea power—the reason being that those facilities were irrevocably committed to the maintenance of the army.

Unlike sea craft, the aircraft is an extremely versatile vehicle, which not only participates in and competes with all methods of transportation on land and sea but, with the development of hovering machines such as

elevators, escalators, and hoists. As in the foregoing example of army ordnance facilities in relation to sea power, it can be argued that aircraft designed for and committed to surface forces do not constitute air power. It is quite possible for a nation to have an amorphous mass of aircraft, even in prodigious numbers, and still have no air power.

To put it another way, it is utterly immaterial whether an airplane rises from land or from water or from a catapult. What determines its definition as a land, sea, or air weapon is what it is designed to do after it becomes airborne. If designed to assist and increase the efficiency of land and sea forces in attaining their objectives, it is not an instrument of air power. Only when an aircraft is designed to assist and increase the efficiency of the air force in its task of establishing command of the air is it an instrument of air power.

A strategic force can be defined as a military force capable of assuming the command of its own medium by its own combat resources. Until the advent of the airplane, the army and navy were valid expressions of the nation's ultimate military power on land and sea, respectively. With the development of aircraft, however, that ceases to hold true. No longer the masters of their own mediums, in which air power can at will decisively interfere with their functions, those forces have lost their strategic significance. Conversely, the surface forces cannot on their own initiative interfere decisively with the functions of the air force. Consequently, the air force is the only strategic force, because it is the only force that can attain command of its own medium by its own combat resources. Thus, the air force has become the primary instrument of the nation's military strength.

Because in a major conflict surface forces can no longer successfully fulfill their missions unless the air above them is controlled by a friendly air force, command of the air becomes the crux of war and an end in itself. (This principle, of course, is not applicable in the case of limited, localized conflicts, the conduct of which is often governed by political considerations in defiance of military logic. Thus, in Korea, the United Nations air forces were confined to the support of ground forces and were prohibited from attacking the enemy's air bases or the industrial sources and stockpiles of his military strength.) Only when undisputed command of the air has been established can these other military services carry out their mission of exploitation, on the surface, of a climactic decision won in the air. Until then their efforts must be directed toward supporting and assisting the air force in its primary task.

In order to acquire maximum air power, a nation must adhere to these principles of military art: singleness of purpose, unity of command, and concentration and economy of force. This means that the entire air-power potential of a country must be unified, under a single air command, into a single force—an air force in being that can go anywhere and do the necessary.

Therefore, it can be stated that air power may be considered the supreme expression of military power and rests upon the entire human and material resources of the nation. See Aeronautics; Air Force; Air Power, Canadian; Air Force, United States; Air Warfare.

Bibliography—W. Mitchell, *Winged Defense* (1925); G. Douhet, *The Command of the Air*, translated by D. Ferrari (1942); A. P. de Seversky, *Victory Through Air Power* (1942); *Air Power: Key to Survival* (1950).

#### AUTHOR'S NOTES

1. The term "defensive air force" embraces defensive aircraft and their ground operational facilities, together with the Nation's entire detection and warning complex and

2. An important fact to be kept in mind is that the advent of nuclear weapons does not change the nature of airpower. With atomic warheads becoming common to military forces, the supremacy of the Air Force as an instrument of war lies not in the nature of the explosive it employs, but in its superior and global combat mobility through the air medium, as contrasted with the inferior and geographically limited combat mobility of land and sea forces in their respective mediums.

The acquisition of aircraft by land and sea forces for logistic purposes does not alter that axiom. The acquisition of aircraft by those forces for air combat is tantamount to creating separate, competitive Air Forces, an act which defies the basic military principles of economy of force and unity of command, with resultant overall weakening of the airpower of the Nation.

### What You Should Know About World Government

#### EXTENSION OF REMARKS

HON. LAWRENCE H. SMITH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 1955

Mr. SMITH of Wisconsin. Mr. Speaker, there are people in our country today who would surrender our national sovereignty to a feckless form of world government.

Under leave to extend my remarks, I am including an article that appears in the current issue of the American Legion magazine by Zane B. Thurston:

#### WHAT YOU SHOULD KNOW ABOUT WORLD GOVERNMENT

At its 1951 national convention the American Legion adopted a resolution which said in part: "We reiterate our opposition to the participation of the United States in any form of world federation, world government or in any intermediate federative organization . . . which would, in whole or in part, involve the sacrifice of sovereignty of the United States." The Legion again amplified this strong opposition in a resolution at its 1954 national convention.

In so doing the Legion has rendered a great service to our constitutional Republic by calling our attention to the inherent dangers of the world government notion.

It is well to establish at the outset that the world government theory is not merely an idealistic and nebulous abstraction hovering in the minds of intellectual daydreamers; it is a very real, high-powered and liberally-financed movement supported by many groups—here and abroad—dedicated to the task of creating a federal union of the world.

My personal interest in the world government idea (over and above the promptings of my natural religious and patriotic instincts) stems from the fact that one of its main protagonists is a fellow townsman. Indeed, much of the spare work which has been done in this country was done less than 2 miles from my home at the so-called "Dublin Conference" in early 1945. The climax of the work at these conferences, and since, will be the attempt by the United World Federalists, Inc., (one of the most powerful groups pressing for world government in this country) to expedite the plan of transforming the United Nations into a world government when its charter comes up for amendment in July of 1955.



It is not my purpose to analyze critically the many specifications, requirements, provisions and restrictions of the various world government schemes which the American Federation of World Government considers to be inimical to the continued sovereignty and independence of our constitutional Republic; rather, I shall dwell upon those inherent contradictions, false premises and ridiculous notions that render the theory of world government impracticable in itself.

The avowed supreme goal of world government advocates is the creation of a federal government embracing all the nations of the world; thus they consider to be the only conceivable way to establish and preserve world peace. Extremely vocal prior to and during World War II and in the late forties, they found expression in such organizations as: Federal Union, Inc., the Atlantic Union Committee, Inc., United World Federalists, Inc., and various other lesser groups. Before any valid argument can be made against the theory, the best possible case for the opposition must be fairly and objectively established and can best be accomplished by quoting directly from their literature, speeches, and public pronouncements.

A brochure entitled, "Let's Not Make the Same Mistake Twice" (published by Federal Union, Inc.) very aptly states their reason for existence and can be fairly presented as representing the motivations of all world government agitators even though not all would subscribe to the federal union plan.

The brochure says: "After the war will come something called 'peace.' And, it is equally the duty of every American to bear in mind that the fate of democracy, and our own future, will depend not alone on the outcome of the war but on the outcome of that 'peace' also. We need a peace-aim no less than a war-aim, for victory. We helped to win the last war. We lost the peace. Now we are at the crossroads again! Why? Why we, the free peoples of the earth, know where we expect to go? Have we a plan to attain an orderly, peaceful, prosperous world based on freedom? Up until now the answer has been, no. . . . But there is an answer now. Federal union is such a belief. Federal union is a faith in an expanding democracy, and in an expanding, embracing, democratic way of life for the whole world. Federal union proclaims for the free peoples, 'We do know where we want to go and how to get there.'"

The organ outlines "A strong but flexible union" composed of the "English-speaking democracies" to be open to other nations "as they develop or restore democratic rights." It further proposes that "the union would guarantee every citizen the individual rights set forth in our Bill of Rights, the rights of free men." And it passionately suggests that "it be abandoned for something better if something better [can] be found." Not being a "true" world government plan—that is, not including all the nations of the world—this plan has been forced into oblivion by a larger and more aggressive group, the United World Federalists, Inc. (the main contenders in the world government arena in this country today).

Such prominent figures as former Senator Robert C. Hendrickson, of New Jersey, devoted for world government; making an impassioned plea on the floor of the Senate in July 1949, he called for the ratification of the Atlantic Pact, eventual Atlantic federal union and ultimate world government. Owen J. Roberts, retired Justice of the United States Supreme Court; Robert F. Patterson, former Secretary of War; Harold L. Ickes, former Secretary of the Interior; Will L. Clayton, Joseph C. Grew, William Phillips, and Robert Woods Bliss, all former Under-Secretaries of State were all officers of the aforementioned Atlantic

This committee sponsored Senate Concurrent Resolution 4, House Concurrent Resolution 26 with the active support of 28 Senators and 84 Congressmen. The resolution stated that "whereas Federal union in this country had secured prosperity and abundance for Americans, the President be requested to invite the democracies which sponsored the North Atlantic Treaty to a convention to explore the possibilities of forming within the framework of the United Nations, the principles of free federal union, the avowed end result of which was to establish an Atlantic federal union as a necessary first step toward ultimate world government."

From all the foregoing it must be conceded that the world government proponents were keenly aware of the need for a definite and concrete plan to win the peace, and they were predisposed to act. This is all to their credit as the majority of us were either hoping that the war would soon be over so that we could get back to business as usual or that it would never end since we never had it so good.

From the outset the world government schemers have been awed by the greatness and tremendous success of this country but have made the fatal mistake of reasoning that the mere fact that our forefathers joined together in a Federal union was the underlying reason for its unbelievable success and prosperity; that this joining-together, in itself, brought law, order, peace, harmony, and abundance to our shores. That it failed completely to prevent one of the bloodiest fratricidal wars in history is a fact they seem to ignore. Confusing cause and effect, they have consistently failed to make the main plank in their platform the real reason why our form of government breeds peace, law, and order; in attempting to give everyone as fine a cornfield as we enjoy they fail to grasp the inviolable rule of law that the same kind of seed corn must be planted.

Before our Founding Fathers wrote the Declaration of Independence, the Constitution, or Bill of Rights, they were in general agreement on one great principle—that God is the source of all law and authority and that His law is supreme in the order of things. They went on from there. Representing many divergent religious views, economic backgrounds, political convictions, customs, traditions, manners, and habits, they found a common ground on which to meet, a mutually acceptable moral standard defined with reasonable clarity, and made it the heart and soul of the new Government. That, and that alone, is the secret of our tremendous growth and success as a Federal Union.

Having found an organic unity, an indestructible cohesive element, they founded our constitutional Republic upon solid rock; agreed on the supremacy of God and His law as well as their absolute dependence upon Him, they wrote into our Constitution the inviolable principle that certain institutions and human relations are outside the authority of government.

All world government schemes are notoriously conspicuous not only for their ignorance of God as the highest authority but even for the need of a universally acceptable standard of morals and ethics. If the world is to be held together in one inseparable unit subject to a single government. There are many broad hints and generalizations about "embracing democratic principles," "peace, security, and abundance," "universal brotherhood," etc., but no mention of the creative source of these ideals. Herein lies the greatest weakness of the world government notion; herein lies the breach through which seeps the corrosive elements that dissolve the highest ideals, the best intentions, and most profound achievements.

Keeping in mind that these first plans for

for the free peoples and left open to other nations "as they develop or restore democratic rights," let us examine in what extent these essentially sound ideals have become corrupted because their champions have chosen to build on sand.

At the second London Parliamentary Conference on World Government, foreign world government groups in collaboration with the United World Federalists, Inc., drew up plan A and plan B for transforming the United Nations into a world government. Plan A stipulates that membership should be open to all states of the world, and all must be urged to join. This would include all the Communist nations. The UWP would have us join with the enemy in a worldwide socialistic organization to preserve liberties which he is unashamedly committed to destroy, even when he has candidly admitted that this is easiest of accomplishment by getting the free nations to join with him in just such a coalition. Once membership has been accepted, continued membership must be compulsory. There must be no right of secession. If our enemies choose to vote our freedoms down the drain we couldn't even shoot our way out as a provision on disarmament precludes the possibility. And what a notorious repudiation of our Declaration of Independence; that great document states that when any government becomes destructive of man's unalienable rights it is the right of the people to alter or to abolish it, and to institute new government. The lower chamber, of the proposed world legislature, should consist of representatives of member states in numbers proportionate to population. The lethal aspects of this provision are obvious when we consider that the United States has a population of roughly 160 million; the combined population of the Communist nations and those disposed to follow the dictates of the Kremlin number well over a billion.

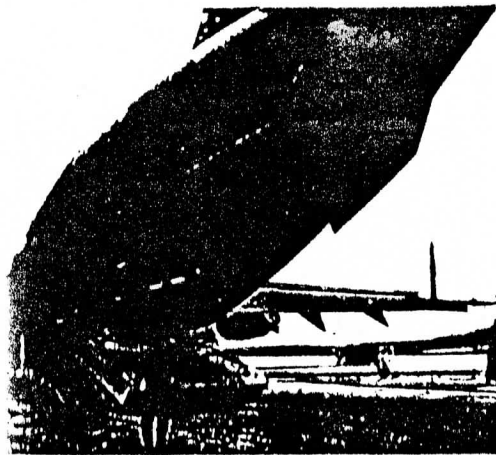
Another provision of plan A is that taxes should be levied proportionately to national income. No comment needed.

Plan A, ostensibly designed to extend democratic ideals throughout the world, also provides that members of the upper chamber, or senate, or the proposed world legislature be appointed rather than elected, as this would tend to secure the representation of some valuable men and women who are not willing to submit themselves to popular suffrages. A sobering thought when we consider that Alger Hiss, Judith Coplon, John Stewart Service, John Carter Vincent, William Remington, Mary Dexter White, and others, were able to convince essentially loyal American administration officials that they were valuable people worthy of sensitive posts, and that only those who were willing to submit themselves to popular suffrages had the courage to bring the facts to light and convince administration officials that those others weren't as they had represented themselves.

That this plan, and plan B (which is only slightly less radical and for which they will press if plan A fails to get the necessary U. N. support) threatens the continued existence of our constitutional Republic goes without saying. For, as the law now stands, a treaty supersedes our Constitution and the U. N. Charter is a treaty. And the United World Federalists plan to put over this blueprint for national suicide in July 1955—this year.

It is perhaps an oversimplification, but it would seem that the world government notion is an attempt to produce godliness (or goodness, peace, harmony, and abundance) without God. Having thus started off on the wrong foot each successive step has led its apostles farther afield.

But world government supporters are not willing to start over. They continue to err by reasoning that goodness for peace, law,



Services panels added funds to begin modifying early model shown above undergoing loading tests at Fort Hood, Texas.

of combat jets for the Air Force and Navy, the two committees agreed with each other — and with the direction that the Clinton administration is widely expected to take. For the planes, the first of which are expected to begin service toward the end of the decade, the Armed Services panels recommended:

- \$2.25 billion, as requested, to continue developing the Air Force's F-22, intended to replace the 1970s-vintage F-15 as the most sophisticated fighter;
- \$1.41 billion, as requested, to develop enlarged "E" and "F" models of the Navy's F/A-18 that would replace aging A-6E carrier-based

bombers;

- None of the \$399 million requested to develop the stealthy, carrier-based A/F-X.

The Senate committee added to the bill \$50 million to begin developing an F-22 variant that could serve as a carrier-based bomber, in lieu of the A/F-X.

However, the panels recommended different approaches to modernizing the combat air squadrons over the next 10 to 15 years, before the F-22 and the F/A-18E and F would enter service in large numbers.

Both accepted Clinton's proposal to buy 24 additional F/A-18s for the Navy and Marine Corps (\$1.49 billion). But the Senate panel vigorously rejected the recommendation to buy one last batch of 24 F-16s for the Air Force, which the House committee approved (\$725 million). Reprising an argument it had made last year without success, Senate Armed Services contended that the Air Force had far more F-16s than it would need in the new era of smaller forces.

The House committee also increased by \$160 million, to \$222 million, funding to modify existing Navy F-14 fighters so they could serve as ground attack planes. Pending development of a new plane with the A/F-X's combination of long range, heavy bombload and target-finding electronic gear, the modified fighters will replace the retiring A-6Es.

#### Naval Forces

Both panels approved with only minor changes the request for three addi-

tional Arleigh Burke-class destroyers, equipped with the Aegis long-range anti-aircraft system. Senate Armed Services recommended \$2.61 billion of the \$2.64 billion requested, arguing that \$30 million could be saved by equipping each ship with a 5-inch cannon removed from a vessel slated for retirement instead of with a new gun.

The House panel cut \$96 million from the request, the cost of computers and display screens for the three ships. The panel said the electronics could be taken from shore installations that did not require equipment with the ruggedness built into shipboard gear.

Both committees beefed up funding to tie together different types of weapons and detection devices so that ships not equipped with the elaborate computer-controlled Aegis system could better protect themselves against high-speed missiles. To the \$237 million requested by Clinton, the Senate committee added \$29 million, and the House committee added \$35 million.

The House panel also earmarked \$20 million to test the use of a blimp to haul missile-detecting radar high above a fleet, where it could detect approaching weapons long before a ship-borne radar.

The \$476 million requested to develop a smaller nuclear-powered submarine was approved virtually intact. However House Armed Services deleted \$8 million it said was earmarked to explore technologies that were too exotic to be useful in the new design, slated to enter production in this decade. The House panel also added to its bill a provision to "fence," or withhold, the money for the new sub design until the Pentagon certifies to Congress that it has earmarked enough money in future budgets to complete the two larger Seawolf-class subs previously authorized.

The House committee also took several steps it said would force the Navy to more quickly shift the focus of its anti-submarine efforts from finding nuclear-powered Soviet subs in the ocean depths to finding smaller, diesel-electric powered subs operated by other countries in relatively shallow water. In some respects, this new problem is more difficult because modern non-nuclear subs, running submerged on battery power, are even quieter than many nuclear subs, and shallow seas often have high levels of background noise.

In another move related to shallow-water sub hunting, the committee denied the \$100 million requested for 108 large Mark-48 homing torpedoes carried by subs. Arguing that the much smaller Mark-50s, carried by air-

craft, would be more effective in shallow water, the committee approved the \$21 million requested for 24 of these torpedoes and added to the bill \$18 million for components to be used in Mark-50s that would be funded in future budgets. It also suggested that these smaller weapons be adapted for firing from subs.

#### Air and Sea Transport

Grudgingly, both committees approved moving ahead with the C-17 cargo plane. But each ordered the Pentagon to review alternatives to production of the controversial plane.

Among the alternatives are rebuilding the smaller, 1960s-vintage C-141 cargo jets already in service; resuming production of the giant C-5, built by Lockheed Corp. in Georgia, the home state of Senate Armed Services Chairman Nunn, buying commercial jet freighters and buying more cargo ships.

Senate Armed Services was particularly scathing in its report, declaring that it was "at the limit of its patience with the C-17 program, due to serious mismanagement by the Air Force and the contractor, and is approaching the point of advocating program termination."

The Senate panel combined the \$2.3 billion requested for the C-17 with the \$291 million requested for fast cargo ships to create a "Strategic Lift Fund." It directed the Pentagon to review its overall goal for long-range cargo capacity as well as considering alternative mixes of ships and planes to reach that goal.

House Armed Services approved \$1.91 billion of the \$2.3 billion requested for C-17 procurement. But it put a generic label on the funds as being for "airlift" modernization. And it ordered the Pentagon to conduct detailed studies

of whether other planes might more cheaply fill the long-range cargo mission.

Both committees approved the \$894 million requested for a large helicopter carrier, designed to carry nearly 2,000 Marines as well as the helicopters to haul them ashore.

#### Other Provisions

The House panel approved a proposal by Aspin to reorganize the Pentagon's civilian hierarchy. The plan would reduce the number of officials who would report directly to the Defense secretary.

The plan also strips the rank of "assistant secretary" from the Pentagon's chiefs of legislative affairs and public affairs to free those slots for the prominent think-tank denizens recruited by Aspin to help him cogitate over the shape of U.S. security policy in the post-Cold War. Senate Armed Services added to its bill a provision that would mandate assistant secretary rank for the legislative affairs chief.

Both panels also acknowledged the chronic medical complaints of many Persian Gulf War veterans. In its report, the Senate committee directed the Pentagon to cooperate with the Veterans Affairs Department to research these ailments and develop treatments. The House panel earmarked \$1.2 million to conduct research on the sensitivity of Gulf War veterans to low levels of toxic chemicals.

House Armed Services also earmarked \$40 million to establish a center for research on women's health issues related to service in the armed forces. "The expanding population of women in the military offers a distinctive and reliable number of potential subjects for long-term, gender-specific research studies," the committee said.

#### TREATIES

### Senate Approves Open Skies Pact

The Senate late Aug. 8 approved the so-called Open Skies Treaty, which allows the United States, Canada, Russia and 24 European countries to fly unarmed reconnaissance planes over each other's territories.

The pact (Treaty Doc. 102-27), approved by the requisite two-thirds of senators on a standing vote, assigns each country an annual quota of overflights it must accept. By giving 72 hours' notice, the planes could use phy-

tography and infrared devices to look for troop or equipment movements.

U.S. and Russian satellites routinely provide more detailed information than do the sensors that the treaty mandates for these overflights. But the Bush and Clinton administrations, in mutual support of the treaty, argued that the pact would reassure other European countries. (Weekly Report, p. 1307)

The resolution of ratification requires the president to:

- Give the Senate 30 days' notice of any proposed change in the aerial sensors.
- Estimate, after the treaty has been in effect for one year, the annual number of U.S. flights to be conducted under the treaty and the number of specially equipped planes required.

#### Tactical Air Combat

On developing a new generation



and abundance must be produced by government. This is a great error in judgment. It is well illustrated in the aforementioned literature published by Federal

law and order have never been attained. Government is the good will of good people. Government is to enforce law and order in villages or nations.

In the country, genuine respect for equality and the achievement of true order can only be realized by depending upon the good will of good people. The very heart of the underlying principle of all peace, harmony, and cordiality is that it will be generated by good people. Granted, men thus disposed to ill will outnumber the good-willers or are much more aggressive in their designs, the inertia and lethargy of good-willed good people render the maintenance of peace and order much more difficult, but this in no way alters the basic principle involved.

The fallacious tenet that it requires government to enforce law and order is the pit which will fossilize all world-government championing. This is the Old World concept which prompted our Founding Fathers to establish a new government. There is peace, harmony, law, and order in Russia; law and order are enforced under total government. There is peace, harmony, law, and order of a truer nature under our free system; but, it is a byproduct of our constitutional Government. It doesn't have to be enforced. Our Government creates law and order but an atmosphere where law and order can find expression and enforces only the penalty for breaking the law and disturbing the order.

World government advocates, having reasoned that it requires government to enforce law and order, proceed on their dizzy course by reasoning that if worldwide law and order are desired we must have world government.

Force (which is the ultimate of government) will not only defeat the peace and well-ordered lives of the people, but in the end will destroy itself; every appeal, except the appeal to God, the source of all law and authority, will bear evil fruit.

Another inexcusable trait of world-government theorists is to frown upon history. Because no practicable solution to world peace has been expedited in the past they reason that the solution must necessarily be a new, novel one.

If nothing else, an objective study of history should certainly convince us that the world government notion is impracticable: Alexander the Great made a heroic attempt to unify the world under one governmental head; he failed. The great Roman Empire under the Caesars, Caligula, Nero, Domitian, Aurelius, and Antoninus Pius was a world government in the strictest sense; spreading from the great wall of Hadrian in Scotland to the sphinx and the headwaters of the Nile, from the Iberian Peninsula to the Tiber and the Danube, it embraced most of the civilized world. The Roman Government enforced law and order, it failed to unify the world and create peace. Including the numerous races, 10 times as many religions and a multitude of cultures it had no universally acceptable moral code or standard of ethics. It failed, rotted from within. There can be no vital unity without, at least in substance, a unity of religions, morals, customs, and traditions as there was in Colonial America.

Those who champion world government also fall into the great error of our day of making a fetish of "democracy." A democracy is a form of government in which the supreme authority is vested in the will of the majority. Under such a system the interests of the minority groups and the individual

Germany; the "majority" of the United States Supreme Court decreed that a Negro had no right to American citizenship (*Dred Scott v. Sandford*—1857); the "majority" on the front porch of Pilate's house shouted: "Crucify Him. Crucify Him." Rome and Germany have since fallen. But America, unalterably committed to the absolute supremacy of the laws of God, at great sacrifice and unprecedented suffering inscribed in human blood the inviolable rule of natural law that all men, regardless of color, have a right to be free. She stands today infinitely stronger for her sacrifices; man's last best hope of freedom on earth, not a "democracy," but a constitutional Republic.

Another pitfall of the world government advocates is the outrageous notion that security is the birthright of every individual. The only security that government is bound to guarantee its citizens is security in their freedom to provide for their own security. If a person is relieved of the duties, obligations, and anxieties necessary for the maintenance of his material welfare, he is also relieved of his dignity as an individual. Remove the consequences which befall the man who refuses to provide for his own security; remove the rewards for those who diligently labor for themselves and their families and the world would soon be populated by fools.

The motive power of the world government movement—that driving force which impels its adherents to passionate action—is not entirely the updraft generated by the fluttering wings of the dove of peace. Its supporters are driven primarily by fear; fear that the present-day exalted position of the mind of man which manifests itself in our unbelievable technological accomplishments shall be utterly destroyed. They exult over our mental giants and spiritual pygmies making up what they worship as "modern civilization" and live in constant fear that their golden idol may be destroyed.

A particularly cogent example of this "fear psychosis" is the speech by Cord Meyer, Jr., United World Federalist vice president, delivered to the UWP and Federation of American Scientists at Washington, D. C., in April 1947. Among other things he maintained that, "Whether our fate is to be peace or atomic-biological warfare is the issue." He claimed not to overstate the case in saying that "the lives of more than one-third of humanity and the survival of what we have chosen to call civilization is at stake." Ruling out our preparedness program, the balancing of atomic power theory, the abolition of atomic weapons and a preventive war as dependable foundation stones of world peace, he concluded by observing: "While there is still time and room for hope, let us present to the people of this country the real choice, the destruction of civilized society or some measure of world government." When they understand that choice, I have confidence in their decision. Men are sufficiently rational to acquiesce in their own survival.

Mr. Meyer gives us a choice of experiencing a blowout or accepting a slow leak; we end up hiding on the rim in either case. He doesn't even allow that there might be a third choice, but there is. We can stop the car, and the root cause of the tire trouble, and repair it. Of course, our trip will be delayed; we'll get our hands dirty; run the risk of being run down by a passing auto; we may even bark a shin or bruise an elbow. But we will be engaging in the only activity that will insure beyond any shadow of a doubt that we will reach our destination. Any other course, prompted by fear, would be a temporary expedient at best and would only prolong the inevitable ultimate failure. Let us not forget that fear has given us the only military defeat of our glorious history—Korea; fear has resulted in the

The fact that many world government advocates have positive subversive affiliations is a disturbing factor. Many of them, of course, are merely yard birds in that vast army of joiners who are more to be pitied than condemned. The law of averages, however, dictates that some are knowingly subversive and have good reason to espouse the world government cause. A statement of Stalin best explains that good reason.

In his *Marxism and the National Colonial Question* Stalin called for the "amalgamation of all nations in a single world economic system which is so essential for the final triumph of socialism." The Communist program clearly states: "That dictatorship [of the proletariat] can be established only by a victory of socialism in different countries, after which the proletarian republics would unite on federal lines with those already in existence, and this system of federal unions would expand and embrace colonies emancipated from the yoke of imperialism until, at length, they formed the World Union of Soviet Socialist Republics and United all mankind under the international domination of the proletariat organized as a state."

In conclusion, let us resolve with the world government theorists that there is a definite need for a positive and constructive program of action if enduring peace on earth is to become a reality. But here let us part company; let's not try to produce moisture without the element of water. Permanent peace can never be realized by joining with the devil, hoping, like Prolog, that we will outwit him when the showdown comes. Peace—lasting and on a worldwide scale—can be achieved only as it has been achieved here in America: not by merely joining together in a federal union, but by prefacing our actions by subscribing without reservation to the kingship of God and the absolute supremacy of his law in the order of things; by acquiescing to nothing else. Only when the majority of the governments of the world are willing to do this will a world government setup be even remotely practicable.

Here, under the most perfect government in the annals of human history, we must be dedicated to but one aim: the preservation of the way of life given to us at great sacrifice by our Founding Fathers. We must courageously stand by our convictions and contend, as did our forebears, that even death is preferable to a loss of liberty. We must depend upon the good will of good people to bring about the peace which we all so passionately crave, for we have it on better authority than all the world government agitators rolled into one that there will be "peace on earth to men of good will."

## Policy Statement of the New England Governors Relative to a Proposed Federal-Aid Highway Program

### EXTENSION OF REMARKS

OF

HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 1955

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the Record, I include the following statement:

### POLICY STATEMENT OF THE NEW ENGLAND GOVERNORS RELATIVE TO A PROPOSED FEDERAL-AID HIGHWAY PROGRAM

The Governors of the six New England



merce, but he could not divorce himself from his love of nature and his desire to see set aside even in a municipality, an area where people could breathe and could feel released from the restraints of society.

Back more than 30 years ago he sought the development of a Rio Grande Park in what had been a waterlogged stretch of empty area, and out of it with the passing of time there has emerged the Albuquerque Zoo, the Tingley baseball field, and a substantial area which will become more and more prized as Albuquerque continues to expand.

But it was the true wilderness which attracted him—the places where he could go and be alone, the spots in the White Mountains of Arizona or in the forests of New Mexico where a man could lose himself in his surroundings and be dropped back into complete comradeship with nature.

I talked to Aldo Leopold many times about the development of a wilderness area. There it would be possible to preserve scenic beauty and the natural accomplishments of the restricted country, the fish and the wildlife which had once owned these areas for themselves and now had become the hunted as man moved into these protected retreats.

It was such a place here in southwestern New Mexico, a hundred or more miles north of the Mexican border, where hazy blue silhouettes of the Mogollon Range mark the Gila wilderness, that Aldo studied the area, and in his report of October 1922 suggested this vast wilderness be named, the Gila Wilderness Area or Gila National Hunting Ground.

Although most widely known for his eminence in technology of wildlife management, Aldo Leopold was a dominant influence in the movement not only to preserve the Gila wilderness, but also wilderness areas throughout the country.

Thirty years ago he enlisted me in the cause for preservation of wilderness areas in general. I shall never forget how he poured out his heart on the subject of primitive tracts which seemed likely to be destroyed with the development of the auto, the truck, and speedier methods of transportation.

What was his background?

Aldo Leopold was born at Burlington, Iowa, on January 11, 1888. There he developed an interest in ornithology and hunting. He attended Yale University where he received the bachelor of science degree from Scherfeld Scientific School in 1908 and the master of forestry degree from the School of Forestry the following year.

From 1909 until he rose to chief of operations in the regional office at Albuquerque, he served with the United States Forest Service in Arizona and New Mexico. While there his interest in wildlife management developed and he became secretary of the Albuquerque and the New Mexico Game Protective Associations. His effort within these organizations to produce a rational system of game management and a nonpolitical administration of refuges attracted wide attention.

"It seems to me," wrote Theodore Roosevelt to Aldo in 1917, "that your association in New Mexico is setting an example to the whole country." It was in that year that Aldo was awarded the gold medal of the Permanent Wildlife Protective Fund of America.

In 1925 he left New Mexico and went to Madison, Wis., where he served for 2 years as assistant director of the Forest Products Laboratory. Then he resigned from the Forest Service to conduct game surveys for the Sporting Arms and Ammunition Manufacturers' Institute.

He was awarded the Outdoor Life medal for his first book, *Report on a Game Survey of the North Central States*, published in 1931.

A member of some 30 clubs, associations, and societies, Aldo served as president of the Ecological Society of America and of the Wildlife Society. He was a director of the National Audubon Society, and was vice president of the American Forestry Association, The Wilderness Society, and Friends of the Land. He also was an active member in the American Ornithologists Union. He served as associate editor of the *Journal of Forestry* and was also a member of the SAP Council.

He served on the Committee on Wildlife Restoration appointed by President Franklin D. Roosevelt in 1934, as well as on many other conservation committees, and at the time of his death had been asked by Secretary of the Interior Krug to serve at the Inter-American Conference of Renewable Natural Resources.

Elected a Fellow of the Society of American Foresters in 1948, he had been professor of wildlife management at the University of Wisconsin since 1933.

Author of nearly 300 technical and popular articles, reviews, and his classic book, *Game Management*, Aldo Leopold was an internationally recognized authority on wildlife management as evidenced by his voluminous advisory and committee work and his membership in numerous conservation and scientific organizations.

But to us today as we meet here in his honor we can look at the great expanse of the Gila Wilderness, one of the few such areas in the United States virtually untouched by human hands, and honestly say this might not have been except for the initiative of Aldo Leopold. It was chiefly through his efforts that the Forest Service in 1924 established the first of its wilderness reservations, the Gila Wilderness Area or Primitive Area in New Mexico.

To what goals his love of nature would have carried him we have no way of knowing. Across the country his prestige had steadily grown. He was at the peak of his usefulness to the wildlife and the wilderness movements when those who had come to know and love him were shocked by news of his death. On April 21, 1948, he suffered a fatal heart attack after fighting a grass fire on a neighbor's property near his home at Darabon, Wis.

There are other chapters in the history of the Gila Wilderness that had not been completed at his passing. After public hearings in August 1952, the area was permanently designated the "Gila Wilderness Area" and placed under a new and stricter regulation known as U-1.

Under the new regulation U-1, and upon recommendation of the Chief of the Forest Service, such areas may be designated by the Secretary of Agriculture as "Wilderness Areas" within which there shall be no roads or other provisions for motorized transportation, no commercial timber cutting, and no occupancy under special use permits for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses. The only roads allowed will be roads of ingress and egress to any private property that might be in the area.

The work of Aldo Leopold has been done. We now become trustees of his inheritance. Those of us who may visit within the wilderness and who are able to rest and be restored in our peace of mind and body by the quiet that it will always possess have none the less an obligation to see that the work of one generation shall not be sacrificed by those that come after. We have an obligation to make sure that this area may remain untouched for generations and perhaps centuries to come. We cannot take our burdens as trustees lightly if we are to keep faith with those who struggled so mightily to achieve these precious spots within the confines of a busy continent.

The erection of this memorial not only says to Aldo Leopold, "Well done, thou good and faithful servant!" It reminds each of us that our lives as well can contribute to the things that mean beauty for the eye and rest for the spirit. We, too, can preserve the wilderness. We, too, can find in it "serenity and kinds of solitude" that will mean for all who live in the southwest and for all who come to it to visit a communion with nature that will bring to each of us peace and joy and enduring pleasure.

### **Bricker Amendment Should Be Adopted— Congress No Longer Bound by Constitutional System of Delegated Powers**

#### **EXTENSION OF REMARKS**

OF

**HON. LAWRENCE H. SMITH**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1955

Mr. SMITH of Wisconsin. Mr. Speaker, under leave to extend my remarks, I am including a statement made by Mr. Carl B. Rix, of Milwaukee, former president of the American Bar Association, before a Senate subcommittee which is hearing testimony on the proposed Bricker amendment.

Mr. Rix points out clearly that articles 55 and 56 of the Charter of the United Nations, which is an approved treaty, that Congress is no longer bound by its constitutional system of delegated powers. Under these articles Congress is in a position today to pass legislation which cuts across civil, political, economic, social, and cultural lines. Too few people in this country much less too few Members of Congress, realize this fact.

Mr. Speaker, I am including Mr. Rix's statement and commend it to the attention of every Member of the House:

**STATEMENT OF CARL B. RIX, MILWAUKEE, WIS.**

I appear in favor of the amendments.

Congress is no longer bound by its constitutional system of delegated powers. Its only test is under the obligatory (the word is that of the Attorney General) power to promote human rights in these fields of endeavor: civil, political, economic, social and cultural. These are found in articles 55 and 56 of the charter of the United Nations, a ratified and approved treaty. They are being promoted in all parts of the world by the United Nations.

Congress may now legislate as an unhindered body with no shackles of delegated powers under the Constitution. Our entire system of a government of delegated powers or Congress has been changed to a system of undelimited powers without amendment by the people of the United States.

The authority for these statements is found in a volume entitled "Constitution of the United States of America, Annotated," issued in 1953, prepared under the direction of the Judiciary Committee of the Senate of the United States and under the chairmanship of Prof. Edward S. Corwin, of Princeton, aided by the legal staff of the Library of Congress. This is the conclusion at page 427 of the Annotations: "In a word, the treaty power cannot purport to amend the Constitution by adding to the list of Congress' enumerated powers, but having acted the consequence will often be that it has provided Congress with an opportunity to

which, independently of a new could not pass, and the only way it can be raised as to such measures whether they are "necessary and proper" for the carrying of the nation into operation."

It is noted that one of the principal points of the Migratory Bird case, the conclusions are those also of a committee of the New York State Bar Association, which former Attorney General Cummings and Mr. John W. Davis were prominent members.

It is a practical illustration of the fact that we are under treaties of what we may call a comprehensive education, for education in any State does not provide it. In fact, it may be that all public education now provided by States and municipalities. It may enact a prohibition act without amendment of the Constitution. It may enact a uniform divorce act. It may take over all social and welfare services rendered by or through the States, their agencies. It may take over all commerce, all utilities and service, all labor. The list may be multiplied extensively at your will. The new test of constitutionality will apply to all legislation by Congress since 1945, on deals with any of the five fields of power. Any judge deciding on the validity of legislation must have two books before him—the Constitution of the United States and the other the Charter of the United Nations. If he does not find authority for the act in the Constitution, he will find it in the Charter. That is the exact situation in which Justice Holmes found himself and the other members of the Supreme Court when they decided the Migratory Bird case. The authority was not found in the Constitution—it was found in the treaty with Great Britain.

The question to be answered is this: Under the form of government do the people of the United States prefer to live? Manifestly, they cannot operate under both. Senators, the people of the United States are given up their sons, they have given billions of their substance—they should be the only Nation in the world to give up their form of government—the wonder of the world—to discharge their obligations to the people of the world.

ened the dreams of those who believe in internationalism. Here the authors of the document wrote, was a proven weapon so deadly that its use would have to be controlled. Among the family of sovereign states no nationalist power could be entrusted with it. Only a world state acting in accordance with international law, should control such a deadly weapon. Nationalist states—their sovereignty yielded—must be permitted armed forces for internal security only. In the interest of peace all nuclear weapons must be in the hands of the world state.

The American people have never been especially interested in foreign policy. Our interest lies in things closer home. But if foreign policy is expressed in terms of taxes, conscription, overseas expatriation, nuclear weapons, foreign wars, acres of white crosses, and loss of sovereignty—we become deeply concerned. And now this prospect of yielding our sovereignty is, indeed, alarming.

Despite the fact that our international relations do reflect these grim realities, for nearly two decades the American people have been denied the opportunity to express themselves in foreign policy. Only in the vaguest terms has this momentous issue been mentioned by the candidates of either major party. Propaganda agencies have blurred the virtues of bipartisanship while a few key officials have stealthily guided foreign affairs. And without realizing it, how it came about, America has become inextricably enmeshed in tough international intrigue.

Meanwhile, foreign influences—working with internationalist-minded Americans—have quietly plotted their plot. They would have the Atlantic Union absorb the United States.

In keeping with this concept the creation of an Atlantic Union is well underway. A startling news dispatch from Ottawa, Canada, published in the Kansas City Star, Monday, December 13, 1944, disclosed:

"Creation of a super Atlantic community agency to merge the economic, defense, and foreign policies of the United States with other countries will be recommended to members of the North Atlantic Treaty Council in Paris this week."

The release continued:

"Signed by Harry Truman, Adlai Stevenson, Gen. George C. Marshall, and 70 other Americans, as well as Canadians, British, French, Belgians, Norwegians, Danes, and Dutch, the recommendation, in the form of an appeal for Atlantic unity, will be given Thursday to Lord Ismay of Britain, the Secretary-General of NATO."

The signed statement itself declares:

"This is no time for halfhearted measures. While welcoming the progress made toward European union, we believe that nothing less than an effectively integrated Atlantic community . . . will in the end adequately meet the challenge of the times. Defense in today's terms extends beyond military requirements and into the political, economic, and cultural aspects of our lives."

And the signed statement calls for "the development of NATO as a central agency to coordinate the political, trade, and defense policies of the member nations."

According to the news dispatch, prominent American signers of the proposal are: Harry Truman; Adlai Stevenson; Gen. George C. Marshall; Norman Cousins, president of the United World Federalists; Owen J. Roberts, president of the Atlantic Union Committee; Will L. Clayton, vice president of the Atlantic Union Committee; Clarence K. Streit; Chester Bowles; Senator Humphrey, Democrat, Minnesota; Senator Kefauver, Democrat, Tennessee; Senator Lehman, Democrat, New York; William V. O'Brien, president of the English Speaking Union; Edward Murrow, commentator; and Eimer Davis, commen-

The news dispatch concluded with this amazing observation:

"NATO already has authority to adopt the proposed program. It is pointed out in the petition, under article II, commonly called the Canadian clause, which provides for economic development of the member countries."

From the above, every American must realize that the machinery already exists to take us into Atlantic Union. Meanwhile, prosperous and complacent, the American people continue to sleep. And we sleep at a time when only a great awakening can prevent our being slipped into a world state.

#### LOSS OF LIBERTY

What happens when the United States enters the Atlantic Union? The super state, Atlantic Union, with authority to enforce world law would take out of our hands the means to defend ourselves. The Atlantic Union would then dictate the terms under which Americans would be forced to live. Depending on circumstances beyond our control, the United States, stripped of sovereignty, might be sending our youth to fight under the Atlantic Union banner anywhere on the globe.

Some preach that the spiritual acceptance of the brotherhood of man can be achieved only through world government. Certainly our Bible teaches brotherly love, but the Tower of Babel illustrates man's differences and limitations. No home is large enough for two families; likewise, no super state could control all members without resort to force. The super state cannot be a guarantor of world peace.

What happens to our patriotism when we join the Atlantic Union?

Suppose the Arabs of North Africa revolted against France. Americans have a natural sympathy for those who seek freedom. But expression of this sympathy would be treason against the Atlantic Union.

With our national military strength gone, what would happen to our liberty? What would become of our Bill of Rights?

Several hundred servicemen already lie in foreign prisons, sentenced by foreign judges under the Status of Forces Treaty without the protection of our Constitution and its Bill of Rights.

What would happen to our property when our Atlantic neighbors move in for the take? For some time it has been apparent that some foreign peoples were jealous of our standard of living and eager to reduce it to the level of their own.

Will not our Atlantic Union neighbors take advantage of our military weakness and demand that the wealth among the members be more equitably distributed? Will not the flow of wealth be from this country to our European neighbors? While it is more blessed to give than to receive, the Bible also warns against covetousness.

In the Atlantic Union we would inherit an obligation to support the European colonial system—an institution repugnant to Americans. We would inherit also the racial and social and national hates and the jealousies and sorrows of age-old Europe. None of these antipathies is our business. Such heritage would involve us in hopeless, endless quarrels.

If we join the Atlantic Union, we will have everything to lose and nothing to gain. Such a union would mean common citizenship, common foreign policy, common currency, mutual defense and economic measures, free and unlimited immigration. Our standard of living would be lowered, our security undermined, and our liberty lost. Yet there is no reason to believe that our sacrifice would extend lasting benefit to the other nations. In fact, experience proves the contrary.

#### Atlantic Union and World Government

#### EXTENSION OF REMARKS OF

HON. JOHN W. BRICKER

OF OHIO

IN THE SENATE OF THE UNITED STATES  
Wednesday, May 11, 1955

Mr. BRICKER. Mr. President, I ask unanimous consent to have printed in the Appendix of the Record an article entitled "Atlantic Union and World Government," published in the March 1955 Bulletin of the For America Study Club. There being no objection, the article was ordered to be printed in the Record, as follows:

#### ATLANTIC UNION AND WORLD GOVERNMENT FOR AMERICA—WEEKLY STUDY PLAN No. 1

Read this study plan for the answer to the question: "Can I Do To Help Save My Country?" Today there exists in the Pentagon a secret document marked "Secret." It was written after the Hiroshima and Nagasaki



## THE DEPARTMENT OF STATE

Where does the Department of State stand on this matter with America's destiny?

In its brochure No. 23, Summer 1950, Build the Peace, the Department of State disavows a strong and unmistakable amity for a world government.

When and if the world's people act out in earnest effort to form a world government, they will find in the U. S. a logical starting point. . . . it is ready to take on new responsibilities at any time.

"The creation of a world government . . . depends . . . upon the willingness of key countries to surrender certain sovereign rights."

Two years later, in April 1952, John Foster Dulles before he became Secretary of State, warned:

" . . . Congressional laws are invalid if they do not conform to the Constitution, whereas treaty law can override the Constitution. Treaties, for example, can take powers away from the Congress and give them to the President; they can take powers from the States and give them to the Federal Government or to some international body, and they can cut across the rights given the people by the constitutional Bill of Rights."

But after he became Secretary of State, Dulles obviously changed. He now holds that there should be integration of all NATO forces "to the maximum extent possible and that this decision does not require the advice and consent of the Senate."

To Senator Kefauver in November 1954, Dulles wrote:

"I believe that what was accomplished there (London) has brought us closer to real Atlantic Union than ever before."

Can we longer doubt that we are moving toward Atlantic Union?

If there is doubt, pending congressional resolutions will clarify the mixing. In the Congress are some 10 or 12 resolutions calling for an exploratory convention to determine a practical plan for the creation of a firm Atlantic Union superstate.

## CONSTITUTIONAL BARRIER

As early as 1930, the Kremlin, as well as other internationalist plotters, had made their analysis of how the United States could be drawn into one world. Their penetrating study disclosed the difficulty. The barrier was our Constitution.

It reserved too much power for each of the 48 sovereign States and to the people. Consequently, the one worlders and the Kremlin decided to circumvent this great barrier. They would promote big government. They would shrink the power of the States and the people. The emergency powers granted the Federal Government during World War II fell like manna from heaven on these global plotters.

Today, as we look back the picture clarifies. The necessity for a superstate had to be created by discrediting our own free system.

The Constitution was branded old-fashioned.

The Supreme Court must embrace liberals. Our economy must be enfeebled by debt, taxes, debasement of currency, class conflict, violent attacks on profit and the capitalist system, and over-extension of our military commitments.

Soviets have had their place in this nefarious program. "Interdependence." "We can't stand alone," and "Coexistence."

After the Washington government had absorbed the powers which the Constitution reserves for the States and for the people, then would be the time to take the United States into world government via the Oranly route. That tragic time has now arrived. The plan is on schedule. It is the intent of the plotters to take us into Atlantic Union and world government will come.

## WHAT YOU CAN DO

Although victims of slick propaganda, the American people are still overwhelmingly opposed to Atlantic Union and World Government. Proponents of the superstate can achieve their aims only by resorting to the Trojan-horse technique.

Recently, speaking in New York, the minority leader of the Senate, the Honorable William F. Knowland, warned us of this danger:

"Let us be gradually edged into such a world state before we learn too late where we have been taken. I believe every candidate for public office—executive, legislative, or judicial—should be asked to give a forthright view upon this great public issue."

Here, then, Senator Knowland has given us the answer to the 864 question: "What can I do now to save our country?"

Our Constitution put the power in the people. If we exercise this power, we can have the kind of government we want.

There is something which each of us can do.

Where does your candidate stand on Atlantic Union and World Government?

Write for our booklet, How You Can Start a For-America Study Club. For America, 208 South La Salle Street, Chicago 4, Ill.

MARCH 1955.

## Long Beach State College

## EXTENSION OF REMARKS

## HON. CRAIG HOSMER

OF CALIFORNIA

## IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1955

Mr. HOSMER. Mr. Speaker, it is an honor for me to report to our colleagues the outstanding development and progress of one of the Nation's newest centers of learning, the Long Beach State College.

This institution is shouldering its full responsibility for the preparation of our more youthful Americans for lives of service to their fellow men and to their country.

Dr. P. Victor Peterson, president of the college, has earned a national reputation as an educator for his vision, foresight, and ability in developing the college and in recruiting its top-quality teaching staff. This is his story of the development of Long Beach State College:

CREATED IN 1949, COLLEGE OPENED 7 MONTHS LATER

(By Dr. P. Victor Peterson, president, Long Beach State College)

Almost everyone in the United States has marveled at the rapid growth of the southern California area since World War II. Typical of the regions experiencing such growth is that of southern Los Angeles County and adjacent Orange County. This region extends from the industrial city of South Gate to the shipping center of Wilmington and San Pedro, to the dairy area of Paramount and Bellflower, and to the citrus-growing sections of Fullerton and Orange; it includes resort towns from Redondo Beach to San Clemente, and the long-settled area of Santa Ana.

Almost in the middle of this coastal strip is Long Beach, fifth largest city in California and probably the most wealthy oil city in the United States.

Although the cities of this region vary in their economic base from industry and shipping to farming and to beach recreation, the one characteristic common to all has been a constantly increasing population.

Recognition of the growth of this region was indicated in the survey of higher education made under the joint auspices of the State department of education and the regents of the University of California in 1947-48, which recommended that a State college be established to serve the needs of Orange County and the southeast portion of Los Angeles County.

On January 27, 1949, Earl Warren, then Governor of California, signed assembly bill 8 (ch. 4, Statutes of 1949), which was "An act to provide for the establishment of a State college in the area of Orange County and the southeastern part of Los Angeles County." This signature brought into existence on paper the youngest of the 11 colleges of California's State college system.

In order to provide educational facilities for the region as soon as possible, temporary quarters were established in Long Beach and the college opened its doors to students for the first time in September 1949.

Meanwhile, the State public works board had undertaken a survey to select the best several possible permanent sites for the State college.

Every educational institution, even though it be only a temporary college began operation in Orange County State College. The college began operation in 1949. The college began operation in 1949. The college began operation in 1949.

Established as a State college to offer 4-year undergraduate programs, the college began operation in 1949. The college began operation in 1949. The college began operation in 1949.

To the normal functions of the State college system and to meet the demands for integrated programs of teacher training, and for occupational and professional curriculums, the State department of education directed the college administration to provide for limited enrollment of freshmen and sophomore students beginning with the 1953-54 academic year. The college thus altered the historical pattern of development of this type of institution—from normal school, to teachers college, to State college—by moving instead, in a short 4 years, from senior college, to senior college-with-a-1-year-graduate program, to a regular 4-year-undergraduate institution with a graduate program.

In spite of its youth, Long Beach State College has received unrestricted accreditation by the Northwest Association of Secondary and Higher Schools as a degree-granting college; and the California State Department of Education has authorized Long Beach State College to offer training leading to various credentials for public school teachers and to the master of arts degree in certain fields.

## LOCATION OF COLLEGE

The temporary site for the new State college in 1949 consisted of two of several almost identical apartment houses then under construction near the eastern border of the city of Long Beach.

Lloyd S. Whaley, owner of the building arranged for hurried alterations which provided the college with usable quarters. Although visitors were often surprised to find the president in an office which had been originally planned for a bedroom, and the switchboard installed where a dining table should have been placed.

Enclosed (later copy pages)



Among the traditions of the college today are the stories about students who, confused by the similarity of the apartment houses, dashed into someone's front room in the wrong building expecting to find a class in California history or nature study.

The faculty and students at the college, while it was operating in the apartment houses, considered themselves educational pioneers and soon adopted the symbolic name of "Forty-niners." The gold rush boom of 1849 made California famous, and doubled the population many times over in a few short years. In 1949 there was another "rush," this time for education in Long Beach. The population of the State college swelled 700 percent in 2 short years.

During the first year of operation, Los Angeles-Orange County State College was a much sought after institution. Not only did many persons desire to attend classes at the college, but many cities of the area were eager to have the college located permanently within their boundaries. Numerous delegations made pilgrimages to Sacramento to appear before the Public Works Board, and representatives from the local legislative districts were advised by their constituents to "bring the college home."

After considerable investigation the sites under consideration were narrowed to 4—2 in Orange County, and 2 in Los Angeles County, 1 of which was near the unincorporated area of Downey in Los Angeles County and the other just outside the eastern boundary of Long Beach.

#### PROPOSED SITE

A group of Long Beach citizens proposed in their fellow townsmen that the city purchase and give to the State this latter site as the permanent location of the college.

On April 15, 1950, the State Public Works Board agreed to locate the State college in Long Beach if the proposed site were annexed to the city and donated to the State.

On June 8, 1950, the citizens of Long Beach by overwhelming vote at a city election authorized the city council to acquire the property and donate it to the State as the permanent campus of the State college. On June 7, 1950, the State Director of Education officially gave the institution the name of Long Beach State College.

Although the permanent site is located within the city of Long Beach and the county of Los Angeles, it is within one-half mile of the Orange County border. The campus for which the city of Long Beach paid approximately \$1 million comprises 320 acres fronting on Seventh Street. Its elevation is such that there is both an "upper" and a "lower" campus. At one time the land was a key part of Rancho Los Alamitos, an historic California land grant. At the present time the campus is enclosed on three sides by homes, all of which have been constructed within the last 5 or 6 years. Transportation between the campus and the area it serves is rapidly improving as the construction of major freeways moves forward.

Adequate emergency facilities were erected on the new site during the summer of 1951 and the college moved there for the opening of the fall semester. Additional emergency facilities were constructed during the summer and fall of 1952 in order to meet the demands of a rising enrollment. As in the case of the pioneers at the apartment house site, faculty and students alike approached the emergency buildings with the enthusiasm of "forty-niners." During the first few months of occupation the weather competed with the hell system of the college, for whenever rain started to fall students dashed out of the classrooms to move their cars from the beds to the street. Students using a nearby strip, adobe hillside for parking saw their cars sliding and bumping together during one particularly heavy storm. Construction of the emergency buildings was

not completely finished by the opening of the 1951 fall semester, and many professors shared their classrooms with electricians and painters. One English instructor taught his class on the edge of the college trash dump in order to escape constant interruption. To this day those students have a special title and description for that particular semester of English.

Long Beach State College will experience another big change as five of the new permanent buildings on the upper campus will be available for use. As a result, the college will find itself with a third set of pioneers who, undoubtedly, will consider their experiences comparable to those of the pioneers in the apartment houses and in the emergency buildings. A few persons even suggest that a hierarchy of pioneers will develop at Long Beach State, for those who pioneered at the apartment houses will consider themselves superior to those who pioneered only at the emergency building site, and both of these will outrank those newcomers who arrived only in time to occupy the permanent buildings.

#### Treaty Law—Need for Clarification

##### EXTENSION OF REMARKS

OF

HON. LAWRENCE H. SMITH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1955

**Mr. SMITH of Wisconsin.** Mr. Speaker, under leave to extend my remarks, I am including a very interesting editorial which appeared in the Milwaukee Sentinel on the subject of treaty law. This editorial points out that for nearly 132 years the supremacy of the Constitution in treaty-making was not questioned. However, since 1920 the Supreme Court has followed a line of decisions which permits the President and two-thirds of the Senate to nullify the Bill of Rights including states rights under the 10th amendment.

The editorial follows:

#### Treaty Law

President Eisenhower has said, and Secretary of State Dulles has testified, that they would accept section 1 of the Bricker amendment.

The section declares that no treaty or other international agreement conflicting with the Federal Constitution shall have "any force or effect."

But section 1 is a lesser part of the amendment and is of little value in itself; for section 1, standing alone, has already been nullified by Federal court decisions under which the executive branch may disregard the Constitution without appearing to violate the Constitution.

Section 2 completes section 1 by stipulating that a treaty or other international agreement may be made domestic law for the United States only by "valid" legislation.

Every important foreign country except France, the Netherlands and Mexico retains this self-protection against excessive executive action. As to executive action in foreign affairs, the Bricker amendment only asserts that such actions must be constitutional.

"Legislation by treaty" can be, and has been, imposed on the United States outside the Constitution both by formal treaties and by informal executive agreements.

The Constitution does not even mention

It provides that treaties "made under the authority of the United States" are "the supreme law of the land," along with the Constitution itself, and it empowers the President to negotiate treaties.

For 132 years, the supremacy of the Constitution in treaty-making was hardly questioned.

Then came, in the following order, conservative court decisions which have shunted the Constitution aside:

**1920—The Migratory Bird case:** The Supreme Court held that treaties may authorize Congress to pass legislation which the Constitution forbids Congress to pass. Under this decision, the President and two-thirds of the Senate may nullify the bill of rights, including the 10th amendment (States rights).

**1936—The Curtiss-Wright case:** The Supreme Court ruled that the treaty-making power does not derive from the Constitution, but is "an inherent power vested in the Federal Government as an attribute of sovereignty." This decision is tantamount to the obsolete Bourbon doctrine of the "divine right of kings." By its terms, the Federal Government is not restricted by the Constitution in making laws for the American people in the guise of treaties.

**1942—The Ping case:** This decision concerned an executive agreement—not a formal treaty—with Soviet Russia. The Supreme Court noted that a treaty is a "law of the land" under the Constitution and asserted that "such international compacts and agreements" as the one then in litigation "have a similar dignity."

This reasoning does violence to the Constitution.

According to the Constitution, a treaty becomes a "law of the land" only if approved by two-thirds of the Senate. But an executive agreement is not required to go before the Senate for scrutiny.

The Supreme Court decision therefore permits the executive branch to evade Congress and the Constitution, and to dictate laws to the Nation by merely substituting executive agreements for treaties.

The danger to our institutions from treaty legislation is relatively recent, but it has become very great.

At a bar association meeting in Louisville in 1952, Mr. Dulles, speaking as a private citizen, warned that treaties can abrogate "the rights given our people by the constitutional Bill of Rights."

Now, as Secretary of State, Mr. Dulles opposes the Bricker amendment. He pleads that the Eisenhower administration would not make a bad executive agreement or an unconstitutional treaty. But there will be other administrations after this one.

On this point, the Sentinel prefers the admonition of Thomas Jefferson, who said:

"In questions of power, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution."

#### Peanut Politics

##### EXTENSION OF REMARKS

OF

HON. EDGAR W. HIESTAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1955

**Mr. HIESTAND.** Mr. Speaker, because my current news release, somewhat whimsical in nature, regarding the farm price-supports debate, was entitled "Peanut Politics," I naturally was

# BUILDING THE

# Peace

PREPARED BY THE DEPARTMENT OF STATE • SUMMER 1950 • No. 23

## The United Nations Today

The Security Council's rapid and determined action in calling upon member governments of the United Nations to "furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack [by the Communist regime of North Korea] and to restore international peace and security in the area" is fresh proof of the real capabilities of the United Nations. It belies the impression, held by some, of the United Nations as a feeble, sleeping giant. But was this impression ever valid? This is a good time to take another look at the United Nations and to ask a few questions.

Just what is the United Nations and what is it doing in the world today? There are many ways of answering. The way most valuable to you will depend upon where you sit and how closely you have been following international affairs. One thing to remember is that the U. N. is mainly a deliberative body. When there is conflict, the U. N. collects facts, studies them, and then recommends courses of action. Its recommendations carry real weight, for the member nations have obligated themselves to respect them. Even more important, perhaps, U. N. action is backed by the great moral force of world opinion—which no nation dares ignore. And finally, as we have now seen in Korea, U. N. action can also be backed by armed force.

The 59 member states have pledged themselves to try to live up to the high standards of the U. N. Charter. When any state strays too far from those standards, it faces a hostile world opinion. One of the greatest virtues of the United Nations is that the toughest problems of our day are being worked out in an atmosphere of pledged principles where selfish actions stand out clear and sharp and can be pinned directly on the offending nation. This is a great force for agreement.

There have been agreements on ways of helping each other, agreements on food and health problems, on transport and communication matters, on tariffs and trade. There has been agreement on more fateful questions, agreement to stop military action if fighting has already begun, or agreement to keep observers at a trouble spot.

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The U. N. is more than just a useful device, or merely a practical way of getting things done.

The U. N. of today mirrors the stresses and strains of our world society. It is not perfect. It will become increasingly effective as the sovereign nations who belong to it learn a great deal more about getting along together. The U. N. does represent, however, a long start toward world unity. It is today the means and the main center of action toward a lasting world peace.

## GROWTH THROUGH EXPERIENCE

In the daily work of seeking and finding agreement, the U. N. is growing steadily more useful and efficient. Most of the nations today are finding its facilities and services to be invaluable avenues to agreement and their main available reliance in dealing with the Soviet question. As a result, many of the conflicts and problems which the governments cannot solve readily by their own efforts wind up somewhere in the U. N. system. The proof is visible in the U. N. work load. ~~Thousands of productive~~ meetings are held each year on ~~hundreds of diverse subjects~~, and on problems in the economic and social field many nonmember nations and private international organizations may work together with the 59 members under the auspices of the U. N. or of one of its specialized agencies.

Out of this beehive activity emerges the truest picture of the U. N.—an intergovernmental organization hard at work helping peoples to help themselves and to help each other, so that all men can eat better, live longer, get about more easily, and enjoy to the fullest their rights and freedoms. ★

## GROWING PAINS

Naturally, the U. N. has not reached its present stature without picking up scars along the way. It has had to make its way in a hard-bitten world, in which a few nations still insist on playing the lone wolf. Yet in growing it has sprouted some unexpected talents. It has developed a toughness and adaptability which have made it a major influence in shaping world events. In 1945, the people of the world, in whose hopes and dreams the U. N. had taken root, had very big plans for their offspring.

They looked on it as a quick and easy way to enduring peace. Five years have passed since then, and a peaceful world still is nowhere in sight. Some people have begun to wonder and to ask questions about the real value of the U. N. The U. N.'s inability to bring off a miraculous ending of the cold war has obscured its great worth as a world forum, as a focal point of world opinion, and as a central nervous system of the complex world community. Everyone needs therefore to take a fresh glance at the U. N. now and then, so as to be able to see its accomplishments as clearly as its limitations.

## THE GUIDING SPIRIT—PEACE

The U. N. was set up, above all, to eliminate war. Its activities have been along three main lines:

1. Collective security actions, including the peaceful settlement of disputes by the Security Council and the General Assembly and efforts to set up international disarmament and atomic-energy control plans;

2. The building of a more just, lawful, and orderly world society;

3. Work which is directed toward a wider sharing of the good things of life among all peoples and an increase in the abundance of good things.

It might be said, in other words, that the U. N. program is peace through united action, peace through law and order, and peace through well-being. A knowledge of major developments in these lines is necessary for an understanding of the U. N. today.

Peace through united action suggests the whole U. N. idea of nations working together for common goals. More specifically, it might refer to unity of nations in discouraging aggression and in resisting it, by force if necessary. Once aggression has been done away with, freedom can flourish as never before. The main U. N. arm of unity against aggression is the Security Council, which is flanked by the U. N. Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee.

The already hard task of this arm of the U. N. was compounded early this year by a Soviet-bloc boycott. Although the Soviet Union has now returned to the Security Council, the planning for world-wide regulation and limitation of conventional armaments and the setting up of troop contingents for the Security Council continue to be slowed by Soviet obstruction. Even more serious, the repeated refusals of the Soviet Union to accept the U. N. majority-approved plan for atomic-energy control have made it rather pointless to continue discussions on that vital problem.

Fortunately these facts are only part of the U. N. story. In areas where the Soviet Union is not immediately involved, the Security Council continues to have real effect, and, in areas where the Soviets are involved but cannot exercise a veto, the record of the past 5 years shows that the U. N. can act effectively.

In the field of collective security action, where the going has been roughest, there have been major accomplishments. The U. N. Security Council has had dramatic success in the withdrawal of Soviet troops from Iran, in bringing peace to Indonesia and Greece, and in stopping bloodshed in Palestine and in the Kashmir dispute between India and Pakistan. The Security Council also contributed, it will be remembered, to the ending of the ominous Berlin blockade.

The General Assembly has begun to figure large in the settlement of international disputes, partly because of the growing concern and interest of all of the U. N. members and partly because of obstacles put in the way of Security Council action. In the case of conflicts the Assembly studies, makes recommendations, and, like the Security Council, may send out special missions to look into the trouble at first hand. Assembly action focuses world attention on conflicts, clarifies the issues, and brings great pressure to bear on wrongdoers.

Without the U. N. a large-scale war might very likely be raging in one or several of the above areas. By preventing a large-scale war in these cases, the U. N. has paid off its cost many times over. Yet its achievements extend into many other fields.

Peace through law and order is another basic U. N. objective. Only an orderly society can be a peaceful society. Under the U. N. there emerges steadily a growing body of law and legal precedent approved and accepted by almost all nations. The growth of international law is bound, of course, to be slow. It involves a compromise between legal systems as diverse as those of Mexico and Russia, Egypt and Denmark, or Iceland and India. Nevertheless this U. N. program will form a growing foundation for a world rule of law under which nations will bring their disputes to established courts of justice, just as individuals do today.

The chief judicial organ of the U. N. is the International Court of Justice—Supreme Court of the Nations, it might be called. Its 15 eminent judges sit at The Hague, Netherlands, on contentious cases and give advisory opinions on matters such as interpretations of international law and the U. N. Charter. The most publicized case thus far is the Corfu Channel Case, in which the Court awarded England about £340 thousand (almost \$2.4 million) as compensation following the damaging of two British destroyers by mines in Albanian waters. While



★ the Court has no enforcement power, the Charter provides for potential action by the Security Council to give effect to the judgments of the Court if nations do not of their own will bow to its authority.

X The U. N. International Law Commission, made up of 15 noted jurists, has the job of encouraging a progressive development of international law. This Commission is charged by the General Assembly with giving a consistent shape and form to the growing body of precedents, principles, and accepted procedures. It is now hard at work surveying international law and selecting topics for codification. As a part of its assignment the Commission is currently drafting a declaration on the rights and duties of states, preparing a code of offenses against the peace and security of mankind, and examining the possibility of establishing an international criminal court.

International law is also being enriched in other parts of the U. N. The Universal Declaration of Human Rights tells all men for the first time in history what kind of treatment they should expect from their governments. Overwhelmingly supported as a declaration of aspirations, it is being followed by a more limited draft covenant in the form of a treaty. When an International Covenant on Human Rights is approved, it will become legally binding upon all nations which ratify it. Another convention, the U. N. Convention on Genocide, has branded the mass destruction of people as a crime punishable under international law.

These are just a few outstanding examples of what the U. N. has already done toward building a peaceful world order. That building job will take a very long time. It will also require conditions of international stability, such as exist only when most human beings are able to live decently. To this end the U. N. has undertaken a third major program for peace.

★ Peace through well-being describes an effort which takes up most of the U. N.'s time, money, and facilities. The problem of peace in the long run is the problem of individual human contentment. If men and women are decently fed, clothed, and housed, and if they are kept informed, and if their dignity as persons is respected, they are likely to be peace-minded. It is a huge job to create these essential conditions of life in a world where many millions of people are hungry and destitute. The share of U. N. facilities devoted to this task is proportionately large.

The Economic and Social Council, often called Ecosoc, is the center of U. N. activity in the field of human well-being. It works with 12 commissions—fact-finding, study, and advisory groups in matters ranging from economic questions to women's rights—and is associated with 10 specialized agencies, which are practical working bodies

concerned with specific material problems and which have their own budgets and raise their own funds. Other *ad hoc* bodies are set up to do special jobs as the need arises. The U. N. Relief and Works Agency for Palestine Refugees in the Near East is one of these. Another is the U. N. International Children's Emergency Fund, which has supplied about a billion and a half meals to needy children and mothers during the past year.

The U. N. is also deeply concerned with the treatment of peoples in dependent territories. The U. N. Trusteeship Council looks after the well-being of some 17 million inhabitants in the 10 territories under the international trusteeship system. It sets standards of behavior for the nations which administer trust areas and checks performance against those standards by the examination of annual reports from the administering governments, petitions concerning the territories, and reports of its own visiting missions. The United Nations also examines information on the economic, social, and educational progress of 185 million people who live in dependent territories other than the trust areas. This information is transmitted annually by U. N. members who have responsibility for such dependent territories.

International cooperation is at its brightest in the labors of the specialized agencies. These independent agencies may have anywhere from 18 to 91 states and territories as members. Almost 8,000 persons have been employed by the 10 agencies at one time during 1950. Driven by the need to find a cooperative solution to problems none can handle alone, many nations are now learning, in their joint attacks on hunger, poverty, and disease, how to solve in harmony other problems which used to lead to war.

In the field of health, the U. N. and its specialized agencies are cooperating in world-wide attacks on malaria, tuberculosis, and venereal and other diseases. They are introducing modern medical and sanitation practices around the world, fighting the narcotic addiction, and teaching basic hygiene.

The U. N. drive on hunger is spurring the production of food through the teaching of modern agricultural practices, concerted attacks on animal diseases, and other measures. It also works toward a better distribution of available world food supplies.

Against poverty, illiteracy, and depression, the U. N. is acting as world economic adviser, banker, technician, teacher, and sometimes policeman. It probes into almost every field of economic action—mail, shipping, communications, aviation, customs and trade practices, and international technical assistance.

This vital work is moving on an increasingly impressive scale. It is without doubt the most encouraging aspect of U. N. cooperation today.

## SPOTLIGHT ON DISAGREEMENT

The hum of the U. N. processes of peace is often drowned out by more spectacular happenings, a few of which have occupied the headlines in recent months. These emergency cases must be seen in proper perspective.

The success of Communist forces in China created a major problem for the U. N. The representatives of the Chinese Nationalist Government still sit in all U. N. councils, including one of the vital permanent Security Council seats. Whether the Nationalists should be replaced by the Communists—and if so, how—has been in the air since late 1949. The United States has said that it will vote against unseating the Nationalists and against seating the Communists but that it will respect the will of the majority in this question. The Soviet Union, declaring that it considered invalid all action taken by U. N. bodies on which the Nationalists sat, walked out of the Security Council on January 13, 1950, and until August 1 refused to take part in meetings of any U. N. organs where the Nationalists were seated.

One effect of the boycott was to stir up misgivings about the U. N. and in some quarters to raise questions such as: Should a new U. N. be formed without the Communist countries? Or: Should the U. N. be abandoned for something more like a world government?

### TO CHANGE THE U. N.?

The U. N. is a true world organization. It includes most of the nations of the world. It is the only place where the Soviet bloc has regularly sat at the table with the democratic world in open discussion. To form a U. N. without the nations in the Soviet grip would cut off this last point of meeting. It would split off about one-third of the world's people and deepen their isolation from democratic influences. It would transform the U. N. into something less than a world organization. Certainly, such action would not solve the basic problem of the cold war.

Again, some people believe that some form of world government is the only answer to the problem of peace. Without regard to the merits of this idea, it clearly would not be a good thing if the U. N. should be weakened by losing the support of people who would oppose a stronger authority. For when and if the world's people set out in earnest to form a world government, they will find in the

U. N. a logical starting point. The U. N. has a structure which has already been tried and proved. It has a working constitution and a tested civil service. It is ready to take on new responsibility at any time.

Actually, the creation of a world government, in any shape or form, depends not primarily upon the structure of an international organization but upon the willingness of key countries to surrender certain sovereign rights. Until a more cooperative attitude appears on the part of certain nations, the U. N. must continue to exert all the pressure it can on immediate conflicts, continue to tackle the long-run problems of peace, and continue to hold itself ready to take advantage of any more cooperative attitudes. It must continue to use its admittedly underdeveloped powers, as far as it is possible to use them, day by day. In the kind of world we are living in, no substitute organization of sovereign states could do more than the U. N. is doing today.

Here in summary is how the U. N. programs stand: First, there has been a slow growth of collective security through the U. N. machinery and through other safeguards against aggression within the Charter framework, such as the Rio and North Atlantic Pacts. Second, the U. N. has moved steadily ahead in expanding and codifying world law and in creating significant new law in the area of human rights and freedoms. Third, there has been a forward surge of international cooperation toward the advancement of human well-being, with more nations doing more in all fields and doing so on an expanding scale.

Through these actions the U. N. has become essential to the smooth functioning of the society of nations. It could not be disbanded without severely disrupting the world's business nor without tragic consequences for world peace. Any proposal to make sudden radical changes in the U. N. structure or membership ought, moreover, to be very carefully weighed against the danger of striking a death blow at effective world organization.

The role of the U. N. as an instrument against war, as a key to real peace, and as a practical aid to international action makes this organization essential to the world society. The world desperately needs the center of balance which only the U. N. idea can give. That is why the United States gives unfaltering support to the United Nations and to the search for ways to strengthen the authority and effectiveness of that system.

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hoarding.

Reserve bank and  
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President, by proclamation, to fix weight of  
gold dollar.  
Silver dollar.

Unlimited coinage of  
gold and silver dollar  
at fixed ratio.

United States is the majority stockholder, and (8) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of \$1,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11 of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11. Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States", approved February 25, 1862, and Acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of \$1, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed \$3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 per centum annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 per centum of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States

enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum.

Weight of gold dollar fixed by international agreement.

To be standard unit.

Parity maintained.

Ratio, etc., to be maintained.

SEC. 44. The Secretary of the Treasury, with the approval of the President, is hereby authorized to make and promulgate rules and regulations covering any action taken or to be taken by the President under subsection (a) or (b) of section 43.

Acceptance of silver for currency six months, indebtedness of foreign governments.

SEC. 45. (a) The President is authorized, for a period of six months from the date of the passage of this Act, to accept silver in payment of the whole or any part of the principal or interest now due, or to become due within six months after such date, from any foreign government or governments on account of any indebtedness to the United States, such silver to be accepted at not to exceed the price of 50 cents an ounce in United States currency. The aggregate value of the silver accepted under this section shall not exceed \$200,000,000.

Limitation.

Silver bullion to be subject to law requirements.

(b) The silver bullion accepted and received under the provisions of this section shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of the charges or deductions, if any, to be made; but such silver bullion shall not be counted as part of the silver bullion authorized or required to be purchased and coined under the provisions of existing law.

Deposit in Treasury for uses designated.

(c) The silver accepted and received under the provisions of this section shall be deposited in the Treasury of the United States, to be held, used, and disposed of as in this section provided.

Silver certificates.

(d) The Secretary of the Treasury shall cause silver certificates to be issued in such denominations as he deems advisable to the total number of dollars for which such silver was accepted in payment of debts. Such silver certificates shall be used by the Treasurer of the United States in payment of any obligations of the United States.

Coinage.

(e) The silver so accepted and received under this section shall be coined into standard silver dollars and subsidiary coins sufficient, in the opinion of the Secretary of the Treasury, to meet any demands for redemption of such silver certificates issued under the provisions of this section, and such coins shall be retained in the Treasury for the payment of such certificates on demand. The silver so accepted and received under this section, except so much thereof as is coined under the provisions of this section, shall be held in the Treasury for the sole purpose of aiding in maintaining the parity of such certificates as provided in existing law. Any such certificates or redeemed certificates, when presented at the Treasury, shall be redeemed in standard silver dollars, or in subsidiary silver coin, at the option of the holder of the certificates: *Provided*, That, in the redemption of such silver certificates issued under this section, not to exceed one third of the coin required for such redemption may in the judgment of the Secretary of the Treasury be made in subsidiary coins, the balance to be made in standard silver dollars.

Purpose of aiding in maintaining parity of certificates.

Certificates redeemable in silver dollars, etc.

Parity subsidiary coins.

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J. Goods, wares, and merchandise.  
*King v. Copenhagen* (1915) (2 K. B., 755). Held, that certain transfers made from lithograph stones in Germany were goods, wares, and merchandise.

K. *Enemy property.*  
*In re Benhur Handel & Co.* (1915) (1 Ch., 848; 84 L. J. (Ch.) 435; 113 L. T., 228). A debtor to an alien enemy is not a person who holds or manages for or on behalf of an enemy any property.

L. *Contracts of allied subjects.*  
*Kreglinger & Co. v. Cohen & Co.* (21 T. L. R., 592); *Wolf & Sons v. Carr et al.* (C. A. (1915), W. N., 195; 31 T. L. R., 407). Held, that plaintiffs, allied subjects, could not sue for breach of contract made before the war with persons who became alien enemies at outbreak of war and repudiated such contracts as same became illegal at outbreak of war.

1582

# CONCURRENT RESOLUTIONS OF CONGRESS

## RIVER AND HARBOR APPROPRIATION BILL

August 1, 1917.  
(H. Con. Res., No. 19.)

Resolved by the House of Representatives (the Senate concurring)  
That in the enrollment of the bill (H. R. 4053) entitled "An Act  
making appropriations for the construction, repair, and preservation  
of certain public works on rivers and harbors, and for other purposes,"  
the Clerk be, and he is hereby, authorized and directed to number  
the sections following section four of the bill in consecutive numerical  
order, any thing in the conference report to the contrary notwithstanding.

Passed, August 4, 1917.

## TRADING WITH THE ENEMY BILL

September 25, 1917.  
(H. Con. Res., No. 21.)

Resolved by the House of Representatives (the Senate concurring), That  
in the enrollment of the bill (H. R. 4960) entitled "An Act to define,  
regulate, and punish trading with the enemy, and for other purposes,"  
the Clerk be, and he is hereby, authorized and directed to strike out  
the word "it" on page twenty-one, line twenty, and to insert in lieu  
thereof the word "him".

Passed, September 25, 1917.

## TRADING WITH THE ENEMY BILL

September 27, 1917.  
(H. Con. Res., No. 22.)

Resolved by the House of Representatives (the Senate concurring), That  
in the enrollment of the bill (H. R. 4960) entitled "An Act to define,  
regulate, and punish trading with the enemy, and for other purposes,"  
the Clerk be, and he is hereby, authorized and directed to strike out  
the word "Act" where it first occurs in the third paragraph of section  
nineteen of the bill, as the same was agreed upon in conference, and  
to insert in lieu thereof the word "section"; also, strike out the word  
"Act" where it last occurs in said paragraph and insert in lieu thereof  
the word "section".

Passed, September 27, 1917.

## EXPLOSIVES

September 29, 1917.  
(S. Con. Res., No. 13.)

Resolved by the Senate (the House of Representatives concurring), That  
in the enrollment of the bill (H. R. 3932) "to prohibit the manufacture,  
distribution, storage, use, and possession in time of war of explosives,  
providing regulations for the safe manufacture, distribution, storage,  
use, and possession of the same, and for other purpose," the  
Clerk of the House of Representatives be, and he is hereby, authorized  
and directed to insert after the word "explosives" in the first proviso  
of section five of the bill, as agreed to in conference, the words "are  
not subject to the provisions of this Act".

Passed, September 29, 1917.

## DAY OF PRAYER

October 4, 1917.  
(S. Con. Res., No. 14.)

Whereas the people and the Government of the United States are  
now engaged in the greatest war of history, which, in its determination  
is fraught with great results for good or evil, not only to the  
people of this country, but to the people of the whole world, and  
which is the greatest undertaking upon which this country has ever  
embarked; and

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1st Session  
Senate  
Doc. 87

## CONSTITUTIONAL SOURCES OF THE LAWS OF WAR.

BY HORACE L. B. ATKISSON,  
OF THE WASHINGTON, D. C., BAR.

### POWERS OF CONGRESS.

"The Congress shall have power . . . to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations." (Art. I, sec. 8, clause 10.)

This is one of the clauses of the Constitution that give to Congress authority to protect the commerce of the United States. Congress is vested in express terms with power to regulate commerce, and to make all laws proper and necessary to carry that power into effect, to the extent of giving full protection thereto by its criminal jurisdiction.

Charge to Grand Jury, 2 Sprague (U. S.), 270, 30 Fed. Cas. No. 18250.

Piracy is universally understood in the law of nations as robbery or a forcible depredation on the high seas, *animo furandi*. It is the same offense at sea with robbery on land.

1 Kent, 183; 4 Blackstone, 71, 73.

A statute for the punishment of piracy, "as defined by the law of nations," is sufficient without further definition.

U. S. v. Smith, 5 Wheaton, 153; U. S. v. Brig Malek Adhel, 2 Howard, 210.

While Congress is given power to define and punish, it is not necessary, in order to make a valid statute, that upon the face of the statute it name the acts denounced as offenses against the law of nations. It is enough if the statute describes the act, and denounces it with punishment, and that the act in its nature comes within the scope of international obligations.

U. S. v. White, 27 Fed. Rep., 203.

The manifest purpose of this provision is to empower Congress to provide for the punishment as crimes of all such infamous acts committed on the high seas as constitute offenses against the United States or against all nations.

1 Kent, 188.

An act of Congress providing "that if any person or persons whatsoever shall, upon the high seas commit the crime of piracy as defined by the law of nations, and such offender or offenders shall be brought into or found in the United States, every such offender or offenders shall, upon conviction thereof, etc., be punished with death," is not unconstitutional in leaving the offense to be defined by the law of nations.

(63)



In *U. S. v. Smith* (5 Wheaton, at page 157), the court said:

"To define piracy, in the sense of the Constitution, is merely to enumerate the crimes which shall constitute piracy; and this may be done either by a reference to crimes having a technical name and determinate extent, or by enumerating the acts in detail upon which the punishment is inflicted.

When an act of Congress, making it an offense to endeavor to make a revolt on the high seas, does not define the offense, it is competent for the court to give a judicial definition of it.

*U. S. v. Kelly*, 11 Wheaton, 417.

Murder or robbery committed on the high seas may be an offense cognizable by the courts of the United States, although it was committed on board of a vessel not belonging to citizens of the United States, as if the vessel had no national character, but was possessed and held by pirates, or persons not lawfully sailing under the flag of any foreign nation.

*U. S. v. Holmes*, 5 Wheaton, 417.

Robbery committed on a ship belonging to subjects of a foreign State by one not a citizen of the United States, is a crime only against such foreign State, and not punishable in the courts of the United States.

*U. S. v. Palmer*, 3 Wheaton, 610; *U. S. v. Kessler*, Baldwin, 15, 22.

Murder committed at sea on board a foreign vessel is not punishable by the laws of the United States if committed by a foreigner upon a foreigner, but otherwise as to piracy, for that is a crime within the acknowledged reach of the punishing power of Congress. In *U. S. v. Bowers* (5 Wheaton, 198), the court said:

Nor is it any objection to this opinion, that the law declares murder to be piracy. These are things so essentially different in their nature, that not even the omnipotence of legislative power can confound or identify them. Had Congress, in this instance, declared piracy to be murder, the absurdity would have been felt and acknowledged; yet with a view to the exercise of jurisdiction, it would have been more defensible than the reverse, for in one case it would restrict the acknowledged scope of its legitimate powers, in the other extend it. If, by calling murder piracy, it might assert a jurisdiction over that offense committed by a foreigner in a foreign vessel, what offenses might not be brought within their power by the same device? The most offensive interference with the government of other nations might be defended on the precedent. Upon the whole, I am satisfied that Congress neither intended to punish murder in cases with which they had no right to interfere, nor leave unpunished the crime of piracy in any cases in which they might punish it.

By high seas are meant all tidewaters below low-water mark.

*U. S. v. Pirates*, 5 Wheaton, 181; *U. S. v. Wilberger*, 5 Wheaton, 76, 94.

Where an American citizen has discovered an unoccupied guano island, which the President under authority of Congress has recognized as part of the United States, Congress may ordain that crimes committed there shall be considered as though committed on a domestic vessel on the high seas.

*Jones v. U. S.*, 147 U. S., 202.

The law of nations requires every national government to use "due diligence" to prevent a wrong being done within its own dominion to another nation with which it is at peace, or to the people thereof; and because of this the obligation of one nation to

punish those who, within its own jurisdiction, counterfeit the money of another nation has long been recognized.

*U. S. v. Arizona*, 120 U. S., 484.

And this applies with equal force to counterfeiting the securities of a foreign nation.

*U. S. v. White*, 27 Fed. Rep., 201.

And to counterfeiting notes of a foreign bank or corporation, or having in possession the plates from which may be printed counterfeits of the notes of foreign banks or corporations, whether such securities are national, municipal, or corporate.

*U. S. v. Arizona*, 120 U. S., 483.

The power of the United States to pass and enforce a statute protecting rights secured by the law of nations does not prevent a State from providing punishment for the same thing.

*U. S. v. Arizona*, 120 U. S., 487.

*People v. McDonnell*, 80 Cal., 285.

#### CLAUSE 11.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

War is "that state in which a nation prosecutes its right by force."

*The Prize Cases*, 2 Black, 635, 666.

It may exist without being declared, through the hostile acts of a foreign power or through armed insurrection, and may then be recognized and repelled by the President as Commander in Chief of the Army and Navy.

*The Prize Cases*, 2 Black, 635, 668.

The rule that in the enforcement of provisions guaranteeing civil rights, Congress is limited to the enactment of legislation corrective of any wrong committed by the States and not by the individuals, does not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such powers to the States, as in the regulation of commerce, \* \* \* the coining of money, the declaring of war, etc. In those cases Congress has power to pass laws for regulating the subjects specified in every detail and the conduct and transactions of individuals in respect thereof.

*Civil Rights Cases*, 109 U. S., 18.

The existence of war and the restoration of peace are to be determined by the political department of the Government, and such determination is binding and conclusive upon the courts, and deprives the courts of the power of hearing proof and determining as a question of fact either that war exists or has ceased to exist.

*Perkins v. Rogers*, 35 Ind., 167.

In this case the court said:

The war-making power is, by the Constitution, vested in Congress, and the President has no power to declare war or conclude peace, except as he may be empowered by Congress.

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When Congress declares war, by that declaration it puts in force the laws of war, and the war powers of the Government, which are not to be exercised, under the Constitution, in time of peace, now come into full force, by virtue of the Constitution, and are to be exerted by the President and Congress. After the declaration of war, every act done in carrying on the war is an act done by virtue of the Constitution, which authorized the war to be commenced. Every measure of Congress, and every executive act performed by the President, intended and calculated to carry the war to a successful issue, are acts done under the Constitution; whether the act or the measure be for the raising of money to support armies, or a declaration of freedom to fill their ranks and weaken the enemy; whether it be the organization of military tribunals to try traitors, or the destruction of their property by the advancing army, without due process of law; and the validity of such acts must be determined by the Constitution.

*McCormick v. Humphrey*, 27 Ind., 154.

By the Constitution, Congress alone has the power to declare a national or foreign war. It can not declare war against a State, or any number of States, by virtue of any clause in the Constitution. The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States.

*The Brig Amy Warwick*, 2 Black (U. S.), 668.

It is the exclusive province of Congress to declare war, but the right to repel invasions arises from self-preservation and defense, which is a primary law of nature and constitutes part of the law of nations. It, therefore, becomes the duty of a people, and particularly of the Executive Magistrate, who is at their head, and Commander in Chief of the forces by sea and land, to repel aggressions and invasions.

*People v. Smith* (U. S. Cr. Ct. 1806), 3 Wheel. Crim. (N. Y.), 100; 27 Fed. Cas., No. 16342.

Letters of marque and reprisal are sometimes issued with a view to obtain redress for some national injury without resort to further hostile measures. Unless rules are made concerning captures and confiscations, no private citizen can enforce rights of forfeiture, either with or without judicial assistance. A declaration of war is not an expression of the will of Congress that reprisals may be made.

*Brown v. U. S.*, 8 Cranch, 110.

In the absence of an act of Congress there is no right to prize in property captured by vessels of the United States.

While the American colonies were a part of the British Empire the English maritime law, including the law of prize, was the maritime law of this country. From the close of the Revolution down to this time it has continued to be our law, so far as it is adapted to the altered circumstances and condition of the country, and has not been modified by the proper national authorities. In our jurisprudence there are, strictly speaking, no rights of admiralty. The United States have succeeded to the rights of the Crown. No one can have any right or interest in any prize except by their grant or permission. All captures made without their express authority inure

upon facts to their benefit. Whenever a claim is set up its sanction by an act of Congress must be shown. If no such act can be produced the alleged right does not exist. The United States take captured property, not as de facto, but strictly and solely jure reipublice. (*The Arcton*, 13 Wallace, 302. See also *The Hampton*, 6 Wallace, 376.)

But as a legitimate means of prosecuting war the property of a belligerent may be seized and confiscated, and disposed of absolutely at the will of the captor.

*Miller v. U. S.*, 11 Wallace, 268.

*Tyler v. Doreen*, 11 Wallace, 331.

The power given by this clause is granted in the largest terms, and without any expressed limitation. By section 2 of the act of March 3, 1803, providing "that the Secretary of the Navy or the Secretary of War shall be, and they, or either of them, are hereby authorized to take any captured vessel, any arms or munitions of war, or other material for the use of the Government; and when the same shall have been taken, before being sent in for adjudication, or afterwards, the department for whose use it was taken shall deposit the value of the same in the Treasury of the United States, subject to the order of the court in which prize proceedings shall be taken in the case; and when there is a final decree of distribution in the prize court, or if no proceedings in prize shall be taken, the money shall be credited to the Navy Department, to be distributed according to law," the authority of Congress was not exceeded.

*Appropriation of captured property by the War and other departments*, 10 Op. Atty. Gen., 519.

War gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found. The investigations of this rigid rule, which the humane and wise policy of modern times has introduced into practice, will more or less affect the exercise of this right, but can not impair the right itself. That remains undiminished, and when the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will. But until that will shall be expressed, no power of condemnation can exist in the court.

In *Brown v. U. S.* (8 Cranch, 122) the court said:

It would be restraining this clause within narrower limits than the words themselves import to say that the power to make rules concerning captures on land and water is to be confined to captures which are extraterritorial. If it extends to rules respecting enemy property found within the territory, then we perceive an express grant to Congress of the power in question as to an independent substantial power, not included in that of declaring war.

And, again, page 125:

That the declaration of war has only the effect of placing the two nations in a state of hostility, of producing a state of war, of giving those rights which war confers, but not of operating, by its own force, any of those results, such as a transfer of property, which are usually produced by ulterior measures of government, is fairly deducible from the enumerated powers which accompany that of declaring war.

The mere declaration of war does not confiscate enemy property or debts due to an enemy, nor does it vest the property or debts in the Government, as to support judicial proceedings for the confiscation of property or debts, without the expression of the will of the Government, through its proper department to that effect. Under

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the Constitution of the United States, the power of confiscating enemy property and debts due to an enemy is in Congress alone.

*Butler v. Butler*, 9 Blatchf. (U. S.), 456; 4 Fed. Cas. No. 1903.

Enemy property found within the United States on the breaking out of war can not be confiscated without an act of Congress authorizing such confiscation.

*Wagner v. Schooner Juanita*, Newb. Adm., 352; 28 Fed. Cas. No. 17039.

*U. S. v. Stevenson*, 3 Ben. (U. S.), 119; 27 Fed. Cas. No. 16396.

*U. S. v. 1,756 Shares of Capital Stock*, 5 Blatchf. (U. S.), 231; 27 Fed. Cas. No. 15961.

The act of Congress of July 13, 1861, authorizing the President to proclaim and declare "the inhabitants" of certain States "or any section or part thereof," to be in a state of insurrection against the United States, and thereupon all commercial intercourse, by and between the same and the citizens thereof and the citizens of the rest of the United States, shall cease and be unlawful so long as such condition of hostility shall continue; and all goods, etc., coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States, was held to be a lawful valid exercise of legislative power; for the Congress of the United States was not, by the rebellion, deprived of the authority to legislate in this manner with a view to its suppression.

*Brown v. Hart*, 1 Dill (U. S.), 372; 4 Fed. Cas., No. 2011.

*The Ned*, 1 Blatchf., Prize Cas., 119; 17 Fed. Cas., No. 10078.

The act of Congress of July 17, 1862, providing that "all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the Army; and all slaves captured from such persons, or deserted by them, and coming under the control of the Government of the United States, and all slaves of such persons found or being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captures of war, and shall be forever free of their servitude and not again held as slaves," was held to be valid, as a state of war existed.

*Bine v. Parker*, 63 N. Car., 131.

This right of confiscation exists in favor of the United States in respect to its citizens engaged in rebellion against its authority.

*The Prize Cases*, 2 Black, 635, 673.

*The Grapeshot*, 9 Wall., 129, 132.

As a war measure the slaves of persons in rebellion may be given their freedom.

*Slabach v. Cookman*, 12 Fla., 472.

*Dorsey v. Green*, 24 Ark., 320.

*Weaver v. Lapsley*, 42 Ala., 601.

*Hall v. Keese*, 31 Texas, 504.

When war exists the Government possesses and may exercise all those extreme powers which any sovereignty can yield under the

rules of war recognized by the civilized world. Among these is the power to acquire territory either by conquest or by treaty.

*Am. Ins. Co. v. Canter*, 1 Pet., 511, 542.

The power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. A war, therefore, declared by Congress can never be presumed to be waged for the purpose of conquest or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country. The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace, in order to indemnify its citizens for the injuries they have suffered or to reimburse the Government for the expenses of the war. But this can be done only by the treaty-making power or the legislative authority, and it is not a part of the power conferred upon the President by the declaration of war.

*Flaming v. Page*, 9 Howard, 614.

As a limitation upon the power of Congress, this distinction may, practically, be unimportant. As every war in which the country may be engaged must be regarded by all branches of the Government, and even by neutrals, as a just war, and as nations can readily cloak a spirit of rapacity and aggression under professions of justice and moderation, it is at all times easy, should our country be actuated by such a spirit, to declare an aggressive war, to be undertaken in self-defense and an intended conquest to be desired only as a compensation for past or security against future injuries. But the distinction is important when a court is asked to presume that conquest was the object of the war. Under our Government, at least, such a presumption can not be indulged.

*U. S. v. Costillero*, 2 Black (U. S.), 355.

This clause of the Constitution gives Congress the power to establish provisional courts in conquered territory.

*Jecker v. Montgomery*, 13 Howard, 498.

*The Grapeshot*, 9 Wallace, 120.

Also to create military commissions for the trial of military and other offenses in districts where the civil law is displaced by warlike operations. But there is and can be no power to displace the Constitution where the civil courts are discharging their functions and can enforce them.

*Ex parte Milligan*, 4 Wallace, 2.

As to the power of Congress to establish military tribunals, Chief Justice Chase, in an opinion concurring in the order made in the case, but not concurring in some particulars with the opinion of the court, said:

What we have already said sufficiently indicates our opinion that there is no law for the government of the citizens, the armies or the navy of the United States, within American jurisdiction, which is not contained in or derived from the Constitution. And whenever our Army or Navy may go beyond our territorial limits, neither can go beyond the authority of the President or the legislation of Congress. There are

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under the Constitution, three kinds of military jurisdiction. One to be exercised both in peace and war, another to be exercised in time of foreign war within the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of States maintaining adhesion to the National Government when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war, or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding, as far as may be deemed expedient the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress can not be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or of foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights. We think that the power of Congress, in such times and in such localities, to authorize trials for crimes against the security and safety of the national forces, may be derived from its constitutional authority to raise and support armies and to declare war, if not from its constitutional authority to provide for governing the national forces.

*Ex parte Milligan*, 4 Wallace, 141.

*Ex parte Vallandigham*, 5 West. L. Month., 37; 28 Fed. Cas., No. 16810.

The persons charged with the assassination of the President in the city of Washington, on April 14, 1865, were lawfully tried before a military tribunal.

*Military Commissions*, 11 Op. Atty. Gen., 297.

The powers given by this clause may be exercised when the necessity for their exercise is called out by domestic insurrection and internal civil war.

*Tyler v. Dejeux*, 11 Wall., 345;

*Miller v. U. S.*, 11 Wallace, 292.

The general question whether the rules and doctrines of international law were at all applicable to the Civil War, or were questions arising out of it to be wholly determined by the municipal law, first came before the Supreme Court of the United States in the case of *The Brig Amy Warwick* (2 Black, (U. S.), 635). It has since been frequently before that tribunal;

See *The Venice*, 2 Wallace, 258;

*Mrs. Alexander Cotton*, 2 Wallace, 404;

*The Hampton*, 5 Wallace, 372;

*The William Bagaley*, 5 Wallace, 377;

*Quachita Cotton*, 6 Wallace, 521;

*Hanger v. Abbott*, 6 Wallace, 532;

*Cappell v. Hall*, 7 Wallace, 542;

*McKen v. U. S.*, 8 Wallace, 163;

*The Grapeshot*, 9 Wallace, 120.

"These cases all apply or declare to be applicable to the Rebellion, the general doctrine of public law which govern in wars between independent nations. Of course, the authority of Congress to modify these doctrines as applied to States in insurrection and the inhabitants thereof would not, probably, be disputed. In determining questions arising out of the Rebellion, the courts of the United States will first inquire what legislation has the Congress of the United States enacted respecting such questions. If any, the courts will be governed by it so far as it is within the constitutional competency of Congress. If none, then the general rules and doctrines of international law will be resorted to by the courts to determine the rights of the parties. What exceptions to the application of these rules and doctrines arising out of the peculiar nature of our Government and of the war, must necessarily or should properly be made, can not well be determined in advance." (*Phillips v. Hatch*, 1 Bill (U. S.), 571; 19 Fed. Cas. No. 11094.)

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A declaration of war by competent authority puts an end to all rights of action as between the citizens of the respective belligerent powers, from its date to the conclusion of peace; suspends the running of the statute of limitations, and also the running of interest upon debts between citizens of the respective belligerents.

*Jackson Ins. Co. v. Stewart*, 1 Hughes (U. S.), 310; 13 Fed. Cas., No. 7162.

The act of Congress of June 11, 1864, enacting that whenever "after such action - civil or criminal - shall have accrued, such person can not, by reason of such resistance of the laws, or such interruption of judicial proceedings, be arrested or served with process for the commencement of the action, the time during which such person shall so be beyond the reach of legal process shall not be deemed or taken as any part of the time limited by law for the commencement of such action," was held constitutional as necessarily implied from the powers to make war and suppress insurrections.

*Stewart v. Kahn*, 11 Wallace, 604; *Mayfield v. Richards*, 116 U. S., 137.

A State statute providing that "there shall be levied and collected a capitation tax of \$1 upon every person leaving the State by any railroad, stage coach, or other vehicle engaged in the business of transporting passengers for hire," and that the proprietors, owners, and corporations so engaged should pay the said tax of \$1 for each and every person so conveyed or transported from the State, was held to be invalid.

*Crandall v. Nevada*, 6 Wallace, 44.

Wherein the court said:

The Federal power has a right to declare and prosecute wars, and as a necessary incident, to raise and transport troops through and over the territory of any State of the Union. If this right is dependent in any sense, however, limited upon the pleasure of a State, the Government itself may be overthrown by an obstruction to its exercise. Much the largest part of the transportation of troops during the late rebellion was by railroads, and largely through States whose people were hostile to the Union. If the tax levied by Nevada upon railroad passengers had been the law of Tennessee, enlarged to meet the wishes of her people, the Treasury of the United States could not have paid the tax necessary to enable its armies to pass through her territory.

#### CLAUSE 12.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years. (See Story on the Constitution, sec. 1188.)

The execution of this power "to raise and support armies," as well as that "to make rules for the government and regulation of the land and naval forces," falls within the line of the duties of Congress, and the control of Congress over the subject is plenary and exclusive. It can determine, without question from any State authority, how the armies shall be raised, whether by voluntary enlistment or forced draft, the age at which the soldier shall be received, and the period for which he shall be taken, and the compensation he shall be allowed, and the service to which he shall be assigned.

*Tarble's Case*, 13 Wallace, 408.

The power of Congress to raise and support armies, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to provide for organizing,

arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States is clear and indisputable. The language used in the Constitution in making this grant of power is so plain, precise, and comprehensive as to leave no room for doubt or controversy as to where the supreme control over the military force of the country resides. This power of commanding the service of the militia in times of insurrection and invasion is a natural incident to the duties of superintending the common defense, and of watching over the internal peace of the country, and was wisely vested in Congress by the framers of the Constitution.

In re Griser, 16 W. 431.

Full power of legislation in the matter of increase and reduction of the Army is with Congress, and Congress may ratify the action of the President in mustering officers out of the service, and validates the act although it may not have had full prior legal authority.

Street v. U. S., 133 U. S., 307.

The act of July 15, 1870, provided for a reduction of the Army to a force of 30,000 men. So far as enlisted men were concerned, the method of reduction was left entirely to the discretion of the President. So far as commissioned officers were concerned, four methods were prescribed. The first was voluntary resignation, accompanied by the inducements of an honorable discharge and one year's pay and allowances. The second was by placing officers upon the retired list, and for that purpose the limited number of the retired list was extended to 300. The third was by sending officers reported as "unfit for the proper discharge of their duties" (but who were not entitled to be placed upon the retired list because their inability was not incurred "in the line of their duty") before a military board, upon whose unfavorable report they were to be mustered out. The fourth was by the muster out of all officers who remained supernumerary on the 1st day of January, 1871. The statute was neither in conflict nor *in pari materia* with the act of July 17, 1866, providing that in time of war the President may dismiss an officer from the service at any moment and for any cause, that in time of peace he may dismiss him for cause, with the cooperation of a court-martial, or remove him without cause with the consent of the Senate, but was an exercise of the power "to raise and support armies."

Street v. U. S., 24 Ct. Cl., 230.

Who shall compose these armies, and how they shall be raised, must be determined by law, i. e., by Congress.

The act of Congress entitled "An act for enrolling and calling out the national forces, and for other purposes," of March 3, 1863, known as the "conscription act," was held to be valid.

Kneidler v. Lane, 15 Pa. St., 238.

When the inhabitants of a country who are liable to be called into military service have been enrolled, and such of them as are to render the service have been ascertained by draft, and the persons thus drafted have been lawfully required to attend at an appointed time and place of muster, those who disobey are amenable to military discipline and military organization, unless the subject has been otherwise legislatively regulated. Where the Government whose

authority they have set at naught may, by military force, compel their subjection to such discipline and organization, the system is conscription. But where, though their offense is cognizable by a military tribunal, their disobedience is punishable only by a certain pecuniary or other penalty, and they can not be further subjected to military discipline or detention, the system is not a conscription, as the word is now ordinarily understood.

McCall's Case, 5 Phila. (Pa.), 259, 15 Fed. Cas., No. 8669.

And under the twofold power to raise armies and to call forth and organize the militia of the several States, both regular national armies and occasional militia forces from the several States, may be raised, either by conscription or in other modes. The power to raise them by conscription may, at a crisis of extreme exigency, be indispensable to national security. Idem.

The Confederate conscript act was held to be valid under a similar provision in the Confederate States constitution.

Ex parte Complain, 20 Tax., 380.

Ex parte Hill, 38 Ala., 429.

It is in the power of Congress to declare who may be enlisted, and the regulations established by the laws of Congress upon the subject are controlling authority.

Rellys' Case, 2 Abb., Pr. N. S. (N. Y.), 334.

Minors may be enlisted without the consent of their parents or guardians when the law fails to require such consent.

Ex parte Brown, 5 Cranch C. C., 664.

U. S. v. Bainbridge, 1 Mason, 71.

Congress has power to enlist minors in the Army without the consent of their parents.

U. S. v. Bainbridge (supra), 24 Fed. Cas., No. 14497.

U. S. v. Blakeney, 3 Gratt. (Va.), 387.

And the same rule applies to enlistments in the Navy.

U. S. v. Stewart, Crabbe, 205; 27 Fed. Cas., No. 10, 400.

Com. v. Murray, 4 Binn. (Pa.), 487.

Com. v. Gamble, 11 S. & R. (Pa.), 93.

The last two cases cited refer to enlistments in the Marine Corps. Congress has power to make and authorize such orders and regulations as may be necessary to prevent those who are liable by law to military service, from evading that duty, and an order to prevent them from leaving the country and State, to avoid an impending draft, would be necessary for that purpose.

Allen v. Colby, 47 N. H., 547.

Enlistment is not a voidable contract. It changes the status of the person enlisting, and a minor is not entitled to his discharge because he has falsely represented himself to be of full age.

In re Morisey, 137 U. S., 157.

In re Grindley, 137 U. S., 147.

All persons, capable of performing military duty, irrespective of age or of previous exemptions, may be compelled to do so under laws for the purpose; and it was so held in the Confederate States where the question would be the same.

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Ex parte Coupland, 20 Tex., 330.  
Barber v. Low, 34 Ga., 27.  
Ex parte Tate, 49 Ala., 254.  
See also Knechtler v. Lano, 45 Pa. Stat., 238.

#### CLAUSE 13.

To provide and maintain a navy.

The rules respecting armies apply equally to the Navy. The powers of enlistment and conscription are the same, but conscription must operate under prescribed and impartial rules. No impressment of seamen is allowed as was formerly practiced in England. (See Cooley's Constitutional Limitations, 6th ed., p. 363.)

Legislative authority in Congress may, in some instances, be derived from more than one grant in the Constitution, as a river may receive its waters through streams flowing from different sources. Thus the authority to build and equip vessels of war is, doubtless, implied in the power to "declare war," but the same authority is more directly conferred by the power to "provide and maintain a navy."

U. S. v. Burlington, etc., Ferry Co., 21 Fed. Rep., 310.

This clause authorizes the Government to buy or build any number of steam or other ships of war, to man, arm, and otherwise prepare them for war, and to dispatch them to any accessible part of the globe.

U. S. v. Rhodes, 1 Abb. (U. S.), 28, 27 Fed. Cas., No. 16151.

Under this power the Naval Academy has been established.

#### CLAUSE 14.

To make rules for the government and regulation of the land and naval forces.

These rules must not be inconsistent with the proper authority of the President as Commander in Chief of the Army and Navy, which, being conferred by the Constitution, can not be taken away by Congress.

Art. II, sec. 2. See Swain v. U. S., 28 Ct. Cl., 173.

The execution of this power falls within the line of the duties of Congress, and its control over the subject is plenary and exclusive. It can provide the rules for the government and regulation of the forces after they are raised, define what shall constitute military offenses, and prescribe their punishment. No interference with the execution of this power of the National Government in the formation, organization, and government of its armies by any State officials would be permitted without greatly impairing the efficiency of, if it did not utterly destroy, this branch of the public service.

Tarble's Case, 13 Wallace, 408.

A State can not in any particular, either through its legislative or judicial department, regulate or circumscribe the powers of the United States in respect to a matter the control of which is vested solely in the general Government. The wisdom, expediency, or justness of the military laws, rules, and regulations adopted and prescribed by the United States are no concern of the State. The proper enforcement

of such laws, rules, and regulations can not be measured and determined by State laws.

In re Fair, 100 Fed. Rep., 157.

Rules promulgated by the President without legislative authority are without legal validity and in derogation of the powers of Congress.

The constitutional power of the President to command the Army and Navy, and of Congress "to make rules for the government and regulation of the land and naval forces," are distinct; the President can not by military orders evade the legislative regulations; Congress can not by rules and regulations impair the authority of the President as Commander in Chief.

Swain v. U. S., 28 Ct. Cl., 173.

The powers conferred upon Congress "to provide and maintain a navy," "to make rules for the government of the land and naval forces"; the clause which requires a presentment of a grand jury in cases of capital or otherwise infamous crimes, expressly excepting from its operation "cases arising in the land and naval forces"; and the section declaring that "the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States," shows that Congress has the power to provide for the trial and punishment of military and naval offenses in the manner then and now practiced by civilized nations; and that the power to do so is given without any connection between it and the article of the Constitution defining the judicial power of the United States. The two powers are shown to be entirely independent of each other.

Dynus v. Hoover, 20 Howard, 78.

Congress has power to confer jurisdiction upon military and naval authorities to try by court-martial military and naval offenses, and this jurisdiction may be exercised both in peace and war.

In re Bogart, 2 Hawy. U. S., 300; 3 Fed. Cas., No. 1596.

U. S. v. McKenzie, 1 N. Y. Leg. Obs., 371; 30 Fed. Cas., No. 18313.

Congress may enact a statute for the punishment of an offense committed by a marine on board a ship of war wherever that ship may lie.

U. S. v. Devane, 3 Whoston, 390.

In a time of war, when portions of hostile territory are in the military occupation of Federal forces, the President as Commander in Chief may appoint provisional courts for the determination of controversies within such territory and for the administration of justice.

Jacker v. Montgomery, 13 Howard, 498.

The Grapeshot, 9 Wall., 129.

Edwards v. Tannet, 12 Wall., 446.

But such courts, established on foreign soil, are mere agents of the military power to assist in preserving order and protecting the inhabitants in their persons and property. They can not adjudicate upon questions of prize or decide upon the rights of the United States or of individuals.

Jacker v. Montgomery, 13 Howard, 498.



it is competent for Congress, by the rules and articles of war, to provide for the ordering of courts-martial for the trial of offenses arising in the military and naval service.

*Re Bogart*, 2 Sawyer, 396.

These courts, except as may be otherwise provided, will execute their duties and regulate their mode of proceeding by the customary military law.

*Martin v. Watt*, 12 Wheat., 19.

But a person not enrolled or liable to be enrolled for service can not be subjected to the jurisdiction of such courts.

*Wise v. Withers*, 3 Cranch, 331.

Nor can the courts proceed against those who are liable without giving notice and an opportunity of defense to the accused.

*Meado v. Deputy Marshal*, 2 Car. Law Rep., 320.

Where a court-martial proceeds without authority and restrains a person of his liberty or inflicts punishment, all the parties responsible for the action are liable to suits therefor in the common law courts.

*Milligan v. Hovey*, 3 Biss., 13.

*Martyn v. Fabrigan*, Cowp., 161.

The jurisdiction of such courts may always be inquired into by civil courts and a person held under their rules discharged if jurisdiction is wanting.

*In re Grimsley*, 137 U. S., 147.

Offenses against martial law and the laws of war and all acts not justified by the laws of war which are calculated to impede or obstruct the operations of the military authorities or to render abortive any attempt by the Government to enforce its authority may be punished by military courts or commissions organized by the President as Commander in Chief or by the immediate military commander or established under the authority of Congress. But these tribunals can not try offenses against the general laws when the courts of the land are in the performance of their regular functions and no impediment exists to a lawful prosecution there.

*Ex parte Milligan*, 4 Wall., 2.

An impediment does exist, however, when martial law is lawfully declared.

*Luther v. Burden*, 7 How., 1.

And this creates an exception to the general rule that the military in times of peace must be in strict subordination to the civil power, and in times of war also, except on the theater of warlike movements.

1 Bl. Com., 411, 415.

The military tribunals may also take cognizance of offenses alleged to have been committed by soldiers upon citizens within the field of military operations against an armed rebellion while the civil law is for the time suspended, and to the exclusion of the ordinary jurisdiction when restored.

*Coleman v. Tenn.*, 97 U. S., 509.

The fifth article of amendment to the Constitution, which declares that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury," expressly excepts "cases arising in the land or naval forces," and leaves such cases subject to the rules for the government and regulation of those forces which, by the eighth section of the first article of the Constitution, Congress is empowered to make.

*Kurtz v. Moffitt*, 116 U. S., 500.

The question who shall act on courts-martial for the trial of offenders belonging to the various branches of the Army of the United States is one entirely for Congress to determine.

*McClaghry v. Deming*, 186 U. S., 69.

The provision that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," has no application to the abnormal condition of conquered territory in the occupancy of the conquering army. It refers only to courts of the United States, which military courts are not.

*Mechanics', etc., Bank v. Union Bank*, 22 Wallace, 295.

In this case the court said that the power to establish by military authority courts for the administration of civil as well as criminal justice in portions of the insurgent States, occupied by the national forces, is precisely the same as that which exists when foreign territory has been conquered and is occupied by the conquerors.

*Affirming 25 La. Am.*, 387, see also *Burke v. Tiegre*, 22 La. Am., 629.

A writ of certiorari can not be issued by the Supreme Court of the United States to review the proceedings of a military commission. It is not in law or equity within the meaning of those terms as used in the Constitution, nor is a military commission a court within the meaning of the judiciary act of 1789.

The appellate powers of the Supreme Court, as granted by the Constitution, are limited and regulated by the acts of Congress and must be exercised subject to the exceptions and regulations made by Congress.

*Ex parte Vallandigham*, 1 Wallace, 251.

#### CLAUSE 15.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The militia consists of those persons who under the law are liable to perform military duty, and who are enrolled and officered so as to be ready for service when called upon. (Cooley)

They are State forces until actually called into the service of the Union.

It is within the authority of Congress under this clause to provide "that whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may judge necessary to repel such

invasion, and to issue his order for that purpose to such officer or officers of the militia as he shall think proper," and under such a statute the authority to decide whether the exigency has arisen belongs exclusively to the President, and his decision is conclusive upon all other persons.

*Martin v. Mott*, 12 Wheaton, 29.  
*Luther v. Borden*, 7 Howard, 45.

The President may make his requisition directly upon the executive of the State, or upon the militia officers. Cases cited *supra*; also *Houston v. Moore* (5 Wheaton, 1).

The power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object.

*Martin v. Mott*, 12 Wheaton, 29.

Under these decisions (*Martin v. Mott* and *Luther v. Borden*), it would appear that "invasions" are not restricted to violations of territory, but might logically and essentially include violations of the right to proper activities on the part of the Government and of its citizens on the high seas in any part of the world.

The power of Congress to suppress insurrection is not limited to victories in the field and the dispersion of insurgent forces. It carries with it inherently rightful authority to guard against an immediate renewal of the conflict, and to remedy the evils growing out of its rise and progress.

*Raymond v. Thomas*, 91 U. S., 714.  
*Stewart v. Kahn*, 11 Wallace, 506.

In the power to provide for calling forth the militia is necessarily included the power of inflicting a penalty on delinquents by the judgment of some court of the United States, and of carrying the judgment into effect by an execution. It is not an infringement of the rights of citizens of a State to proceed to the trial of delinquent militiamen by courts-martial.

*Duffield v. Smith*, 3 S. and R. (Pa.), 593.

The militia, as citizens, are peculiarly under the protection of the State sovereignty. They compose the only State force, and the genius of our Government forbids that they should be subjected to the military tribunals of the Federal Government, unless it be during those extraordinary occasions defined in the Constitution of the United States, when the public safety and the high behests of war demand the sacrifice.

*Mills v. Martin*, 19 Johns (N. Y.), 24.

A State statute providing that the officers and privates of the militia of that State, neglecting or refusing to serve when called into actual service, in pursuance of any order or requisition of the President of the United States, should be liable to the penalties defined in certain acts of Congress, and also providing for the trial of such delinquents by a State court-martial, was held not to be repugnant to the Constitution and laws of the United States.

*Houston v. Moore*, 5 Wheaton, 1.

#### CLAUSE 16.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Though the States have the appointment of the officers, the bodies of the militia called into the service of the United States and subject not only to the orders of the President as Commander in Chief, but also to those of any officer outranking their own, who may, under the authority of the Commander in Chief, be placed over them.

An army obtained by conscription is not the militia, though conscripted from it.

See the discussion in *Knoedler v. Lane* (45 Pa. St., 238).

Congress has power to provide for organizing, arming, and disciplining the militia, and this power being unlimited, except in the two particulars of officering and training them, according to the discipline to be prescribed by Congress, it may be exercised to any extent that may be deemed necessary by Congress.

*Houston v. Moore*, 5 Wheaton, 16.  
*Matter of Spangler*, 11 Mich., 305.

The power of the State governments to legislate on the same subjects having existed prior to the formation of the Constitution, and not having been prohibited by that instrument, it remains with the States, subordinate nevertheless to the paramount law of the General Government operating upon the same subject. But after a detachment of the militia has been called forth and has entered into the service of the United States, the authority of the General Government over such detachment is exclusive.

*Houston v. Moore*, 5 Wheaton, 16.

The power conferred upon Congress by this clause does not exclude State legislation upon the same subject unless the power conferred on Congress is actually exercised.

*People v. Hill*, 126 N. Y., 503.

In this case the court said:

The power to control and organize the militia resided in the several States at the time of the adoption of the Constitution of the United States and was not taken away by that instrument. The power of legislation over the subject after its adoption was concurrent in the States and in Congress, and the power of State legislation remained until Congress in the exercise of the power conferred upon it by the Constitution had legislated. State legislation in relation to the militia is only excluded when repugnant to or inconsistent with Federal legislation enacted within the purview of the power conferred by the Federal Constitution and there is authority for regarding the State legislation as inconsistent which undertakes to supplement laws passed by Congress covering the subject of the power by annexing new qualifications or incidents not prescribed by the Federal law.

The clause reserving "to the States, respectively, the appointment of the officers" and the authority of framing the militia according to the discipline prescribed by Congress does not put any restriction upon the States in respect to the concurrent legislation concerning the militia.

*Dunne v. Reapee*, 94 Ill., 130.

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Quoting with approval from the opinion of Story, J., in *Houston v. Moore* (5 Wheaton, 51):

"That reservation constitutes an exception merely from the power given to Congress 'to provide for organizing, arming, and disciplining the militia,' and is a limitation upon the authority which would otherwise have devolved upon it as to the appointment of officers.

The power to determine who shall compose the militia is exclusive in Congress, as a power, when vested in the General Government, is not only exclusive when it is so declared in terms, or when the State is prohibited from the exercise of the like power, but also when the exercise of the same power by the State is superseded and necessarily impracticable and impossible after its exercise by the General Government. Congress has provided for the national defense by establishing a uniform militia throughout the United States.

In *Opinion of Justices* (14 Gray (Mass.), 610) the court said:

We do not intend, by the foregoing opinion, to exclude the existence of a power in the State to provide by law for arming and equipping other bodies of men, for special service of keeping guard and making defense, under special exigencies, or otherwise in any case not coming within the prohibition of that clause in the Constitution, Article I, section 10, which withholds from the State the power to keep troops; but such bodies, however armed or organized, could not be deemed any part of the "militia" as contemplated and understood in the Constitution and laws of Massachusetts and of the United States, and as we understand in the question propounded for our consideration.

See also *Tyler v. Pomeroy*, 8 Allen (Mass.), 493.

A State statute requiring aliens to do militia and patrol duty is not against the Constitution of the United States.

*Ausley v. Timmons*, 3 McCord L. (S. Car.), 329.

The governor of a State has no power to depose an officer or interfere with the organization of the regiment, to which he belongs, after such regiment is accepted and mustered into the service of the United States. Giving to the constitutional reservations in favor of the States the most liberal construction which can be claimed for them, they confer no right on the State authorities to disturb the organization of militia or volunteer regiments in the national service or to interfere in any way with the control which the President under the National Constitution and laws shall exercise over them.

*Case of Col. Weir*, 10 Op. Atty. Gen., 279.

The intent of the foregoing provisions, Articles X to XVI, inclusive, is to render the Federal Government supreme in all that pertains to war, with subordinate authority in the States. To this end is a subsequent provision that "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal." (Art. I, sec. 10, clause 1.)

By this clause and section 2 of Article II, "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties," the States have surrendered the treaty-making power to the General Government, and have vested it in the President and Senate, and, when duly exercised by the President and Senate, the treaty resulting is the supreme law of the land, to which not only State laws but State constitutions are in express terms subordinated.

In re *Thurston Parrott*, 1 Fed. Rep., 501.

No power under the Government can make "any treaty, alliance, or confederation," entered into by a State, valid, or dispense with the constitutional prohibition.

*Rhode Island v. Mason*, 12 Peters, 724.

By reason of this clause the confederation formed by Virginia and other States called the Confederate States of America, could not be recognized as having any legal existence.

*Williams v. Bruffy*, 96 U. S., 183.

To grant letters of marque and reprisal would lead directly to war, the power of declaring which is expressly given to Congress.

*Barron v. Baltimore*, 7 Peters, 249.

Still another provision to the same end is that "No State shall, without the consent of Congress \* \* \* keep troops or ships of war in times of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." (Art. I, sec. 10, clause 3.)

The agreements and compacts which may be entered into with the consent of Congress differ from the treaties, alliances, and confederations which are absolutely forbidden, in this: The latter are made for perpetuity or for a considerable time, and generally have successive execution, while the former are made for temporary purposes and are perfected in their execution once for all.

*Holmes v. Jammison*, 14 Peters, 540, 572.

*Virginia v. Tennessee*, 148 U. S., 621.

*Wharton v. Wicks*, 163 U. S., 173.

*Virginia v. W. Va.*, 11 Wallace, 59.

*Green v. Biddle*, 8 Wheaton, 85.

*Louisiana v. Texas*, 176 U. S., 17.

Active militia or National Guard, organized and enrolled under a State military code for discipline and not for military service, except in times of insurrection, invasion, and riots, the men comprising it coming from the body of the militia of the State, and, when not engaged at stated periods in drilling or training for military duty, returning to their usual vocations, subject to call when public exigencies require it, but not kept in service, like standing armies in times of peace, are not "troops" within the meaning of this clause.

*Luther v. Borden*, 7 Howard, 1.

*State v. Wagoner*, 74 Minn., 522.

## POWERS OF THE EXECUTIVE.

### ARTICLE II, SECTION 2.

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

"In the distribution of political power between the great departments of government, there is such a wide difference between the power conferred on the President of the United States and the authority and sovereignty which belong to the English Crown, that it would be altogether unsafe to reason from any supposed resemblance between them, either as regards conquest in war or any



other subject where the rights and powers of the executive arm of the Government are brought into question. Our own Constitution and form of government must be our only guide." (*Fleming v. Page*, 9 Howard, 618.)

Said Hamilton in the *Federalist*, No. LXIX:

The President is to be the Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies, all of which, by the Constitution under consideration, would appertain to the Legislature.

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish implies, necessarily, the power to modify or repeal, or create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the Military Establishment of the Nation; and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such are binding upon all within the sphere of his legal and constitutional authority.

*U. S. v. Eason*, 16 Peters, 302.

*Kurtz v. Motte*, 115 U. S., 503.

But this power is limited and does not extend to the making of provisions of a legislative nature.

*Navy Regulations*, 6 Op. Atty. Gen., 10.

*Power of President to create a Militia Bureau in War Department*, 10 Op. Atty. Gen., 14.

While the President is made Commander in Chief by the Constitution, Congress has the right to legislate for the Army, not impairing his efficiency as such Commander in Chief, and when a law is passed for the regulation of the Army, having that constitutional qualification, he becomes as to that law an executive officer, and is limited in the discharge of his duty by the statute.

*McBair v. U. S.*, 19 Ct. Cls., 641.

The constitutional power of the President, to command the Army and Navy, and that of Congress "to make rules for the government and regulation of the land and naval forces," are distinct; Congress can not by rules and regulations impair the authority of the President as Commander in Chief.

*Swain v. U. S.*, 28 Ct. Cls., 173.

The power of command and control of the Army the framers of the Constitution placed in the hands of the President, with only two restrictions set upon it; that Congress should have power "to make rules for the government and regulation of the land and naval forces;" that the appointment of officers should be "by and with the advice and consent of the Senate."

*Street v. U. S.*, 24 Ct. Cls., 247.

Whatever the President of the United States, as Commander in Chief, might do if personally present, may be done by the superior

officer in command of any district unless restrained by orders or by the peculiar nature of the service in which he is engaged.

*Hofferman v. Porter*, 6 Goldw. (Tenn.), 398.

The duty and power of the President are purely military. As Commander in Chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union no extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power.

*Fleming v. Page*, 9 Howard, 615.

"It is true that in the case in which these observations are made, the point to be determined was, whether enemies' territory which in the course of hostilities had come into our military possession, became a part of the United States, and subject to our general laws. But they are important to this case as defining the power of the President in war to be merely that of the military commander in chief, that territory can be acquired only by the treaty making and legislative authority, and, consequently, that the fact that hostilities are by the military authority directed against a particular portion of the enemy's territory, can not be said to make the acquisition of that territory the object of the war." (*U. S. v. Costello*, 2 Black (U. S.), 358.)

The right of the President temporarily to govern localities through his military officers he derives solely from the fact that he is Commander in Chief of the Army and is to see that the laws are executed; and he can exercise it to just the extent that, and no further than, by the laws of war a commanding general in the Army of the United States could do it. Where the laws are or may be executed without the interference of the President by his military authority he has no right thus to interfere.

*Griffin v. Wilcox*, 21 Ind., 382.

The right of the President as Commander in Chief of the Army and Navy of the United States under the Constitution to exercise government and control over Porto Rico did not cease or become defunct in consequence of the signature of the treaty of peace, nor from its ratification. It was settled by the judgment of the Supreme Court of the United States in a similar case, arising out of the enforcement of local tariff laws in California subsequently to the cession of that territory and prior to any legislation with reference to it by Congress, that the civil government organized from a right of conquest by the military officers of the United States was continued over the territory as a ceded conquest without any violation of the Constitution or laws of the United States.

*Cross v. Harrison*, 16 Howard, 164.

According to the well-settled principles of public law relating to territory held by conquest, and according to the adjudication of the Supreme Court in *Cross v. Harrison* (16 How., 164), the military authorities in possession, in the absence of legislation by Congress, may make such rules or regulations and impose such duties imposed upon merchandise imported into the conquered territory as they may in their judgment and discretion deem wise and prudent.

*Porto Rico, Duties*, 22 Op. Atty. Gen., 561.

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The President had power to create military governments and to appoint provisional governors for States then lately in insurrection, but this did not of itself change the general laws then in force for the settlement of the estates of deceased persons, and did not remove from office those who were at the time charged by law with public duties in that behalf.

Ketchum v. Buckley, 99 U. S., 190.  
Crown v. Harrison, 16 Howard, 189.  
Scott v. Billgerly, 40 Miss., 133.

The establishment of a provisional court by a presidential proclamation, upon the suppression of the rebellion, with authority, among other powers, to hear, try and determine all causes in admiralty, was an exercise of the constitutional authority of the President, and Congress had power, upon the close of the war and the dissolution of the provisional court, to provide for the transfer of causes pending in that court and of its judgments and decrees to the proper courts of the United States.

The Grapeshot, 9 Wallace, 131.  
Lewis v. Cocks, 21 Wallace, 469.  
Dooley v. U. S., 182 U. S., 234.  
Jecker v. Montgomery, 13 Howard, 498.  
See also Mechanics, etc., Bank v. Union Bank, 22 Wallace, 290, affirming 25 La. Am., 387.  
See also Burke v. Tregre, 22 La. Am., 629.

Upon the conquest of New Mexico in 1846, the commanding officer of the conquering army, in virtue of the power of conquest occupancy and with the sanction and authority of the President, ordained a provisional government for the country. The ordinance created courts with both civil and criminal jurisdiction. It did not undertake to change the municipal laws of the territory, but it established a judicial system with a superior or appellate court, and with circuit courts, the jurisdiction of which was declared to embrace, first, all criminal causes that should not be otherwise provided for by law, and, secondly, original and exclusive cognizance of all civil cases not cognizable before the prefects and alcaldes. But though these courts and this judicial system were established by the military authority of the United States, without any legislation of Congress, they were lawfully established.

Leitenstoefer v. Webb, 20 Howard, 176.

It is within the power of the President of the United States, as Commander in Chief, to validly convene a general court-martial even where the commander of the accused officer to be tried is not the accuser.

Swain v. U. S., 165 U. S., 558.  
Hunkeler v. U. S., 19 Ct. Cl., 409.  
See also approval of Court Martial Sentence, 15 Op. Atty. Gen., 302.

Martial rule can never exist when the courts are open, and in the proper and unobstructed exercise of their jurisdiction.

Ex parte Milligan, 4 Wallace, 127.  
Lamar v. Davis, 18 Int. Rev. Rec., 163; 14 Fed. Cas., No. 8006.  
In re Kemp, 16 Wis., 376.

But see Suspension of Writ of Privilege of Habeas Corpus, 10 Op. Atty. Gen., 74.

The President has no power to initiate or declare a war against either a foreign nation or a domestic State. But by the acts of

Congress of February 28, 1795, and March 3, 1907, he was authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrection against the government of a State or of the United States. If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be "immaterial."

The Brig Army Warwick, 2 Black (U. S.), 608.

The right of the President to institute a blockade of ports in possession of the States in rebellion, which neutrals were bound to regard, was affirmed in The Brig Army Warwick (2 Black (U. S.), 671).

Whether the President, in fulfilling his duties as Commander in Chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to those engaged therein the character of belligerents, is a question to be decided by him, and the courts must be governed by the decisions and acts of the political department of the Government to which the power was intrusted.

The Brig Army Warwick (2 Black (U. S.), 670).

Even if, in the absence of congressional action, the power of permitting partial intercourse with a public enemy may not be exercised by the President alone, who is constitutionally invested with the entire charge of hostile operations, there is no doubt that a concurrence of both affords ample foundation for any regulations on the subject.

Hamilton v. Dillin, 21 Wallace, 87.

The President was authorized during the Civil War, as Commander in Chief of the Armies of the United States, to employ secret agents to enter the rebel lines and obtain information respecting the strength, resources, and movements of the enemy, and contracts to compensate such agents are so far binding upon the Government as to render it lawful for the President to direct payment of the amount stipulated out of the contingent fund under his control.

Totten v. U. S., 92 U. S., 106, affirming 9 Ct. Cl., 606.

The President is made Commander in Chief of the Army and Navy of the United States at all times, and Commander in Chief of the militia only when called into the actual service of the United States.

Johnson v. Sayre, 168 U. S., 116.

The right of the President to command armies and direct the minutest movement of the soldier is very different from the exercise of the power of appointment of a person, by which the higher function of war is performed, through the instrumentality of officers of the Army. The power of appointment in the military service is not incident to the President as an exclusive power of his office, but is subject to the advice and consent of the Senate, so that in its exercise there is called into requisition other volition than the mere will of the President.

McBlair v. U. S., 19 Ct. Cl., 637.

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The President, as Commander in Chief, and any commanding officer exercising his powers, may lawfully require any officer of the United States to perform the appropriate duties of his station in the militia when in the service of the United States whenever the public interest shall so require. If it were otherwise it would be in the power of the States by omitting to appoint the proper officers to defeat the whole object of the constitutional provision empowering Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

*Disbursements by Quartermasters to Militia*, 2 Op. Atty. Gen., 711.

The admission of merchandise into the ports of the United States from conquered territory is governed solely by existing laws passed by Congress, and the President has no power to add to or detract from the force and effect of such laws.

*Porto Rico, Duties*, 22 Op. Atty. Gen., 500.

The President must at all times be governed by law, and his orders which the law does not warrant will be no protection to officers acting under them.

*Little v. Barremo*, 2 Cranch, 170.

An example is where he appoints an unlawful military commission, which proceeds to try and punish offenders against the law.

*Milligan v. Hovey*, 3 Wils., 13.

The word "department" clearly means the same thing as in the clause giving Congress the power to vest the appointment of inferior officers in the heads of departments. The "principal officer" in this clause is the equivalent to the "head of department" in the other.

*U. S. v. Germane*, 29 U. S., 511.

#### TRIAL BY JURY.

"The trial of all crimes, except in cases of impeachment, shall be by jury." (Art. III, sec. 2.)

This provision was infringed by the trial of a citizen, in a State which upheld the authority of the Government and where the courts were open and their process unobstructed, by a military commission, a court not ordained and established by Congress.

*Ex parte Milligan*, 4 Wallace, 115.

#### INDICTMENT BY GRAND JURY.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger." (Amendment, Art. V.)

This amendment, instead of limiting the jurisdiction of courts-martial, leaves it to be exercised to the fullest extent, under such

"rules for the government and regulation of the land and naval forces" as Congress might, under the power given to it by the Constitution, see fit to prescribe.

*Runko v. U. S.*, 19 Ct. Cl., 411.

*Ex parte Reed*, 100 U. S., 21.

*Kurtz v. Moffitt*, 115 U. S., 600.

Section 12 of the act of March 3, 1873, providing "that all prisoners under confinement in said military prisons undergoing sentences of court-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during said confinement," is constitutional, as applied to one under confinement in a military prison, who at the time of the sentence was also sentenced to be dishonorably discharged from the military service. The discharge was no doubt operative to deprive him of pay and allowances, but so long as he was held in custody under sentence of a court-martial for the purpose of enforcing discipline and punishing him for desertion he remained subject to military law, which prevailed in the prison where he was confined, and subject also to the jurisdiction of a court-martial for all violations of such law committed while he was thus confined.

*In re Craig*, 70 Fed. Rep., 969.

An offense committed while in actual service, though an arrest and commencement of the prosecution are not made before the connection of the offender with the service is legally severed by the expiration of his term of service or by resignation, dismissal, or other discharge, is a "case arising in the naval forces," and Congress has power to authorize a trial after the connection is so severed and after the accused has become a private citizen.

*In re Bogart*, 2 Sawyer (U. S.), 396; 3 Fed. Cas., No. 1690.

The words "when in actual service in time of war or public danger" apply to the militia only. All persons in the military or naval service of the United States are subject to the military law—the members of the Regular Army and Navy at all times, the militia so long as they are in such service.

*Johnson v. Sayre*, 168 U. S., 114.

*Ex parte Mason*, 105 U. S., 700.

*In re Bogart*, 2 Sawyer (U. S.), 396; 3 Fed. Cas., No. 1690.

*U. S. v. McKenzie*, 1 N. Y. Log. Obs., 371; 30 Fed. Cas., No. 18313.

#### QUARTERING SOLDIERS.

"No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law." (Amendment, Art. III.)

The evil at which this is aimed has been so long unpracticed in this country that it is difficult to suggest to the mind the possibility that security against it may be necessary in a country governed by settled principles of law. Nevertheless, a declaration of the indefeasible right of the citizen can never be wholly needless.

Soldiers will be quartered upon the people, if at all, under the orders of a superior, and either because of some impetuous necessity, or in order to annoy and injure those who are compelled to receive them. The plea will always be that of necessity, but this can never be a



truthful plea in time of peace, and if the necessity is likely to arise in time of war, the first principles of justice demand that it should be provided for by law, and limitations and restraints imposed. At best it is an arbitrary proceeding; it breaks up the quiet of the home; it appropriates the property of the citizen to the public use without previous compensation, and without assurance of compensation in the future, unless the law shall have promised it. It is difficult to imagine a more terrible means of oppression than would be the power in the executive, or in a military commander, to fill the house of an obnoxious person with a company of soldiers, who shall be fed and warmed at his expense, under the direction of an officer accustomed to the exercise of discretionary authority within the limits of his command, and in whose presence the ordinary laws of courtesy, not less than the rules of law which protect person and property, may be made to bend to whim or caprice. Such expressions were fresh in the minds of the people when the Declaration of Independence was made, and they then denounced what they prohibited by this amendment. It is proper to add that this protection has no application in time of war to the enemies of the country.

Cooley, Constitutional Limitations, 6th ed., 373.

#### TREASON.

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained." (Art. III, sec. 3.)

No other acts than those defined in the Constitution can be declared to constitute the offense. Congress can neither extend, nor restrict, nor define the crime. Its power over the subject is limited to prescribing the punishment.

U. S. v. Greenhouse, 4 Sawyer (U. S.), 457; 26 Fed. Cas., No. 16254.

U. S. v. Hoxie, 1 Paine (U. S.), 265; 26 Fed. Cas., No. 16407.

Congress can only prescribe the punishment for treason, regulate the trial, and direct the mode in which that punishment is to be executed.

U. S. v. Fries, 3 Dall. (U. S.), 515; 9 Fed. Cas., No. 5126.

Madison, in the Federalist, No. XLII, said:

As treason may be committed against the United States, the authority of the United States ought to be enabled to punish it. But as now-fangled and artificial treasons have been the great engines by which violent factions, the natural offspring of free government, have usually wreaked their alternate malignity on each other, the Convention have, with great judgment, opposed a barrier to this peculiar danger by inserting a constitutional definition of the crime, fixing the proof necessary for conviction of it, and restraining the Congress, even in punishing it, from extending the consequences of guilt beyond the person of its author.

The two species of treason mentioned in the Constitution are described in it in language borrowed from that of the English statute of treasons.

The phrase "levying war" is understood and applied in the United States in the sense in which it had been used in England.

U. S. v. Greiner, 4 Phila., 306; 26 Fed. Cas., No. 16262.

See also U. S. v. Burr, 25 Fed. Cas., No. 14693.

The provision of the Constitution defining in what treason shall consist was taken from the statute of 25 Edward III, of England, which had been several times reaffirmed, for the purpose of correcting abuses that had grown up in that kingdom in respect to the law, both by acts of Parliament and decisions of the courts under the tyrannical reigns of the Tudors and the Stuarts. Those abuses were well known to the founders of our Government, and doubtless led to the peculiar phraseology observable in the definition of the crime, namely, that it shall consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort, and to the other equally stringent feature, that no person shall be convicted of the offense except on the testimony of two witnesses to the same overt act. The first prohibits Congress from making any other acts of the citizen than those specified, treason, and the second prevents the introduction of constructive treasons, which had been grafted upon this statute of Edward III by judicial decisions.

Law of Treason, 6 Blatch. (U. S.), 649, 30 Fed. Cas. No. 18271.  
Druecker v. Salomon, 21 Wis., 626.

For instances of forced and arbitrary constructions to raise offenses into the crime and punishment of treason, which never had been suspected to be such, see Blackstone, Fourth Book, 75, and Trial of Algernon Sidney, 9 State Trials, 817.

There must be an actual assembly for the purpose of effecting a treasonable purpose, to constitute a levying of war.

Ex parte Bollman, 4 Cranch, 126.

U. S. v. Greenhouse, 4 Sawyer (U. S.), 457.

To constitute an actual levy of war there must be an assembly of persons, not for the treasonable purpose, and some overt act done, or some attempt made by them with force to execute or toward executing that purpose. There must be a present intention to proceed in the execution of the treasonable purpose by force. The assembly must now be in a condition to use force, and must intend to use it, if necessary, to further, or to aid, or to accomplish the treasonable design.

Law of Treason, 1 Blury (U. S.), 614, 30 Fed. Cas., No. 18273.

If the purpose be entirely to overthrow the Government at any one place, by force, that is a treasonable purpose.

Charge of Grand Jury, 1 Sprague (U. S.), 602, 30 Fed. Cas., No. 18273.

Charge of Grand Jury, 2 Sprague (U. S.), 292, 30 Fed. Cas., No. 18274.

Although there must be force used, it is not necessary that there be any military array or weapons.

Druecker v. Salomon, 21 Wis., 626.

Nor that any actual violence be committed, if a body of men are assembled for the purpose of making war against the Government, and are in a condition to make that war.

U. S. v. Burr, 25 Fed. Cas., No. 14693.

To instigate treason successfully is to commit it.

Charge to Grand Jury, 2 Wall., jr. (C. C.), 134, 30 Fed. Cas., No. 18276.

It is treason "in levying war against the United States" for persons who have known but a common interest with their fellow citizens,

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to oppose or prevent, by force, numbers, or intimidation, a public and general law of the United States, with intent to prevent its operation or compel its repeal. Force is necessary to complete the crime; but the quantum of force is immaterial.

U. S. v. Fries, 3 Dall. (U. S.), 515; 9 Fed. Cas., No. 5126.  
Charge to Grand Jury, 2 Wall., jr. (C. C.), 134; 30 Fed. Cas., No. 18276.

Persons engaged in forcibly opposing the execution of a draft commit the crime of treason.

Druecker v. Salomon, 21 Wis., 626.

The treasonable design need not be a direct and positive intention entirely to subvert and overthrow the Government. It will be equally treason if the intention is by force to prevent the execution of any one or more general and public laws of the Government or to resist the exercise of any legitimate authority of the Government in its sovereign capacity.

Law of Treason, 1 Story (U. S.), 614; 30 Fed. Cas. No. 18275.

If the object be to prevent by force the execution of any public law of the United States, generally and in all cases, that is a treasonable purpose, for it is entirely to overthrow the Government as to one of its laws. And if there be such an assemblage for the purpose of carrying such an intention into effect by force, it will constitute levying war. But the sudden outbreak of a mob, or the assembling of men in order, by force, to defeat the execution of the law, in a particular instance, and then to disperse without the intention to continue together, or to reassemble for the purpose of defeating the law generally, in all cases, is not levying war.

Charge of Grand Jury, 1 Sprague (U. S.), 602.  
Charge of Grand Jury, 2 Sprague (U. S.), 292.

When the object of an insurrection is of a local or private nature, not having a direct tendency to destroy all property and all government by numbers and armed force, it will not amount to treason; and in these and other cases that occur, the true criterion is the intention with which the parties assembled.

U. S. v. Hoxie, 1 Paine (U. S.), 265.

The resistance of the execution of a law of the United States, accompanied with any degree of force, if for a private purpose, is not treason.

U. S. v. Hanway, 2 Wall. Jr. (C. C.), 139; 26 Fed. Cas., No. 15299.

The occupation of a fortress by a body of men in military array, in order to detain it against a government to which allegiance is due, is treason on the part of all concerned, whether in the occupation or in the detention of the post.

U. S. v. Gremer, 1 Phila., Pa., 396; 26 Fed. Cas. No. 15262.

There must, to constitute the crime, be a levying of war against the United States in their sovereign character, and not merely a levying of war exclusively against the sovereignty of a particular State.

Law of Treason, 1 Story (U. S.), 614; 30 Fed. Cas. No. 18275.

The term "enemies," as used in the second clause, according to its settled meaning at the time the Constitution was adopted, applies

only to the subjects of a foreign power in a state of open hostility with us. It does not embrace rebels in insurrection against their own government. An enemy is always the subject of a foreign power who owes no allegiance to our Government or country.

U. S. v. Greathouse, 4 Sawy. (U. S.), 157; 25 Fed. Cas. No. 16254.

What constitutes the overt act, under the clause "adhering to their enemies, giving them aid and comfort" must depend very much upon the facts and circumstances of each particular case. There are some acts of the citizen, in his relations with the enemy, which leave no room for doubt, such as giving him intelligence with intent to aid him in his acts of hostility, sending him provisions or money, furnishing arms or troops or munitions of war, surrendering a military post, all with a like intent. These and kindred acts are overt acts of treason by adhering to the enemy.

Law of Treason, 5 Blatchf. (U. S.), 649; 30 Fed. Cas., No. 18,271, Hanover v. Doane, 12 Wallace, 347.

Delivering up prisoners and deserters to an enemy is treason, and nothing but a well grounded fear of life will excuse the act.

U. S. v. Hodges, 2 Wheel. Crim. (N. Y.), 477.

Words oral, written, or printed, however treasonable, seditious, or criminal of themselves, do not constitute an overt act of treason, within the definition of the crime; but are admissible as evidence of intent, as well as of the act itself, either in finding a bill of indictment or on the trial of it.

Law of Treason, 5 Blatchf. (U. S.), 649.

If war be actually levied, that is if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leaguers in the general conspiracy, are to be considered as traitors.

Ex parte Hollman, 4 Cranch, 120.  
Law of Treason, 4 Blatchf. (U. S.), 518.  
Charge of Grand Jury, 1 Sprague (U. S.), 602.  
U. S. v. Burr, 25 Fed. Cas., No. 14,693.  
Charge of Grand Jury, 2 Sprague, 285.  
Druecker v. Salomon, 21 Wis., 620.

An alien, whilst domiciled in the United States, owes a local and temporary allegiance, which continues during the period of his residence, and he is amenable to the laws of the United States prescribing punishment for treason and for giving aid and comfort to rebellion.

Carlisle v. U. S., 16 Wall. (U. S.), 154.  
Green's Case, 8 Ct. Cl., 412.

Treason is a breach of allegiance and can be committed by him who owes allegiance either perpetual or temporary.

U. S. v. Wittberger, 6 Wheaton, 97.

The Confederate government was never acknowledged by the Government of the United States as a de facto government in the sense that adherents to it in war against the Government de jure did not incur the penalties of treason. From a very early period of

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the Civil War to its close, it was regarded as simply the military representative of the insurrection against the authority of the United States.

Thorington v. Smith, 8 Wallace, 1.  
Spratt v. U. S., 20 Wallace, 464.

In treason there are no accessories; all who engage in the rebellion at any stage of its existence, or who designedly give it any species of aid and comfort, in whatever part of the country they may be, stand on the same platform; they are all principals in the commission of the crime; they are all joining war against the United States.

U. S. v. Greathouse, 4 Sawyer (U. S.), 407.  
Fries's Case, 9 Fed. Cas., No. 5127.

The provisions of the Constitution relating to the evidence necessary to convict of treason apply only to the trial of indictments, and are inapplicable to proceedings before grand juries or to preliminary examinations.

U. S. v. Greiner, 4 Phila. (Pa.), 390, 26 Fed. Cas., No. 15262.

Of the overt act of treason there must be proof by two witnesses, and if there be testimony by four witnesses that the defendant was at a certain place, at a great distance from his home, and that he was armed, that the conspiracy was formed at that place, and that the defendant was actually passed on the march to the place where the treasonable acts were to be carried out, the evidence is sufficient, even if there be testimony of only one witness as to his actual presence at the place of attack.

U. S. v. Mitchell, 2 Dall. (U. S.), 348, 26 Fed. Cas., No. 16788.

When a confession is made out of court, it is not itself sufficient to convict although proved by two witnesses.

U. S. v. Fries, 3 Dall. (U. S.), 515.  
U. S. v. Greiner, 4 Phila. (Pa.), 396.

The intent may be proved by one witness, collected from circumstances, or even by a single fact.

U. S. v. Fries, 3 Dall. (U. S.), 515.

A declaration by one accused accompanying the overt act laid in the indictment may be given in evidence to show the intent with which the act was done.

U. S. v. Lee, 2 Cranch (U. S.), 104.  
U. S. v. Fries, 3 Dall. (U. S.), 515.

What was intended by the constitutional provision prescribing punishment for treason is free from doubt. In England attainders of treason work corruption of blood and perpetual forfeiture of the estate of the person attainted, to the disinherison of his heirs or of those who would otherwise be his heirs. Thus innocent children were made to suffer because of the offense of their ancestor. When the Federal Constitution was framed, this was felt to be a great hardship, and even rank injustice. For this reason it was ordained that no attainer of treason should work corruption of blood or forfeiture except during the life of the person attainted.

Wallach v. Van Renswick, 92 U. S., 202.  
Bigelow v. Forrest, 9 Wallace, 350.

The jurisdiction of the State courts does not extend to the offense of treason against the United States.

People v. Lynch, 11 Johns (N. Y.), 653.

### HABEAS CORPUS.

"The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." (Art. I, sec. 9, clause 2.)

Suspension has been many times declared in Great Britain, or in some section of the British Empire, within the present century; sometimes in view of threatened invasion, and sometimes when risings among the people had taken place, or were feared, and when persons whose fidelity to the government was suspected, and whose influence for evil might be powerful, had as yet committed no overt act of which the law could take cognizance. It has been well said by May in his Constitutional History of England, Chapter II, that the suspension of the habeas corpus is a suspension of Magna Charta itself, and nothing but a great national emergency could justify or excuse it. The Constitution limits it within narrower bounds than do the legislative precedents in Great Britain. (Coolidge.)

If at any time the public safety should require the suspension of the powers vested by statute in the courts of the United States to issue writs of habeas corpus, it is for the legislature to say so. The question depends on political considerations, on which the legislature is to decide.

For Marshall, C. J., in ex parte Bollman, 4 Cranch, 101.  
Ex parte Merryman, Taney (U. S.), 240.  
Warren v. Paul, 22 Ind. 277.  
Prigg v. Pennsylvania, 16 Peters, 610.  
McCall v. McDowell, Deady (U. S.), 233.

Congress may authorize the President to suspend the writ of habeas corpus whenever in his judgment the public safety requires.

Ex parte Milligan, 4 Wallace, 115.  
Matter of Dunn, 25 How. Pr., 467.  
Matter of Oliver, 17 Wis., 630.

But, in case of an arrest of a person known to have criminal intercourse with insurgents by order of the President in a time of dangerous insurrection, the President is justified in refusing to obey a writ of habeas corpus requiring him or his agents to produce the body of the prisoner and show the course of his capture and detention.

Suspension of Privilege of Writ of Habeas Corpus, 10 Op. Atty. Gen., 74.  
See also in re Dugan, 6 D. C., 139.

And the President had the power, in the military exigencies of the country during the Civil War, to proclaim martial law, and, as a necessary consequence thereof, the suspension of the writ of habeas corpus in the case of military arrests. Martial law and the privilege of that writ are wholly incompatible with each other.

Ex parte Field, 5 Blatchf. (U. S.), 63, 9 Fed. Cas. No. 4, 761.  
But see U. S. v. Porter, 2 Hayw. & H. (D. C.), 304, 27 Fed. Cas., No. 10074a.

An arrest and detention under an order of the War Department, entitled "Persons discouraging enlistments to be arrested," before any attempt made to establish martial law, was held to be in direct violation of this clause.

Ex parte Field, 5 Blatchf. (U. S.), 63.

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Congress may suspend the privilege of the writ generally or in particular cases; and it may suspend it directly, or it may commit the matter within the proper limits, to the judgment of the President of the United States.

McCall v. McDowell, Deady (U. S.), 233.  
Matter of Oliver, 17 Wis., 680.

It is only when, in cases of rebellion or invasion, the public safety may require it, that the privilege of the writ can be suspended. There is no other restriction.

Matter of Keeler, Hought (U. S.), 306; 14 Fed. Cas. No. 7, 637.  
People v. Gaul, 44 Barb. (N. Y.), 105.  
Ex parte Merryman, Taney (U. S.), 246; 17 Fed. Cas., No. 9, 487.

Congress has power to protect officers and persons engaged or concerned in making arbitrary arrests and imprisonments, or arrests or imprisonments without ordinary legal warrant or cause, under the authority and in pursuance of an act suspending the writ of habeas corpus, by the passage of laws indemnifying such officers and persons against the ordinary legal consequences thereof, or declaring that they shall not be liable to an action or other legal proceeding therefor.

McCall v. McDowell, Deady (U. S.), 233.  
Froeland v. Williams, 131 U. S., 405.  
Drexman v. Stifel, 8 Wallace, 505.

But, as a right of action arising under the principles of the common law is property as much as tangible things, it is not believed the right can be destroyed by statute. The suspension of the writ does not legalize a wrongful arrest and imprisonment; it only deprives the party thus arrested of the means of procuring his liberty, but does not exempt the person making the illegal arrest from liability to damages, in a civil suit, for such arrest, nor from punishment in a criminal prosecution.

Griffin v. Wilcox, 21 Ind., 372.  
Johnson v. Jones, 44 Ill., 142.  
Milligan v. Hovey, 3 Blac., 1.

The State governments have, in their sovereign capacity, full authority of the writ of habeas corpus, and the Federal Government is inhibited from suspending its privileges, except in case of rebellion or invasion. This power to suspend the writ was necessary to be vested in Congress, because in such cases it might become essential to the preservation of the United States Government, or that of a State or States. But it is only in case of rebellion or invasion that the General Government can interfere with the privileges of the writ.

Haquell v. Ahlman, 4 Wis., 107.  
Matter of Booth, 3 Wis., 167.  
Luther v. Borden, 7 Howard, 1.

Neither the President nor Congress has power to suspend the issuing of the writ of habeas corpus by a State court.

Griffin v. Wilcox, 21 Ind., 383.

This does not apply, of course, where martial law has been declared.

65TH CONGRESS, {  
1st Session.

SENATE.

{ Doc. 100, 71  
No. 88

# ADDITIONAL ESTIMATES FOR THE WAR DEPARTMENT

## LETTER

FROM

## THE ACTING SECRETARY OF THE TREASURY.

TRANSMITTING

A COPY OF A COMMUNICATION OF THE SECRETARY OF WAR SUBMITTING ADDITIONAL ESTIMATES OF DEFICIENCIES IN APPROPRIATIONS REQUIRED FOR THE SERVICE OF THE WAR DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1918.

SEPTEMBER 18, 1917. Ordered to be printed

TREASURY DEPARTMENT,  
Washington, September 18, 1917

THE PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of War, of the 17th instant, submitting additional estimates of deficiencies in appropriations required for the service of the War Department for the fiscal year ending June 30, 1918, amounting to \$287,416,000, as follows:

Ordnance service	\$10,000,000
Ordnance stores and supplies	10,000,000
Ordnance stores - ammunition	10,000,000
Small-arms target practice	11,700,000
Manufacture of arms	26,000,000
Rock Island Arsenal, Rock Island, Ill.	17,000,000
Engineer operations in the field	500,000
Engineer equipment of troops	86,000,000
	7,800,000

287,416,000

Respectfully,

B. R. NEWTON,  
Acting Secretary.

65th Congress  
1st Session

SENATE

DOCUMENT  
No. 105

# WAR POWERS UNDER THE CONSTITUTION

## ADDRESS

DELIVERED BEFORE THE AMERICAN BAR ASSOCIATION AT ITS  
ANNUAL MEETING HELD AT SARATOGA, N. Y., ON  
SEPTEMBER 4, 5, AND 6, 1917

By

HON. CHARLES E. HUGHES  
FORMER JUSTICE OF THE UNITED STATES SUPREME COURT



PRESENTED BY MR. MARTIN  
SEPTEMBER 11, 1917.—Referred to the Committee on Printing

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1917

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**SENATE RESOLUTION NO. 134.**

(Reported by Mr. Smith of Arizona.)

IN THE SENATE OF THE UNITED STATES,  
September 20, 1917.

*Resolved*, That the address submitted by the Senator from Virginia (Mr. Martin), on September 11, 1917, entitled "The Fighting Powers of the United States under the Constitution," by Hon. Charles E. Hughes, former Justice of the Supreme Court of the United States, be printed as a Senate document.

Attest:

JAMES M. BAKER, Secretary.

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**WAR POWERS UNDER THE CONSTITUTION.**

(Address of Charles E. Hughes, former Justice of the Supreme Court, before the American Bar Association.)

THE FRAMERS OF THE CONSTITUTION DID NOT CONTRIVE AN IMPOSING SPECTACLE OF IMPOTENCY--WE ARE MAKING WAR AS A NATION ORGANIZED UNDER THE CONSTITUTION \* \* \* A NATION WHICH COULD NOT FIGHT WOULD BE POWERLESS TO SECURE "THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY."

In the unusual circumstances of war, it is natural that there should be some confusion with respect to the constitutional warrant for extraordinary action taken or contemplated. Some altogether misconceive the constitution. Others vaguely fear that we are serving temporary exigency at the expense of our fundamental law, and that we are thus breeding a lawless constitution ignoring spirit which is a serious menace to our future. Others seek to raise doubts of power in order to embarrass the prosecution of the war. And there seem to be still others who in their zeal impatiently and without thought put the constitution aside as having no relation to these times.

**CONSTITUTIONAL GOVERNMENT IN WAR.**

While we are at war we are not in revolution. We are making war as a nation organized under the constitution, from which the established national authorities derive all their powers either in war or in peace. The constitution is as effective to-day as it ever was and the oath to support it is just as binding. But the framers of the constitution did not contrive an imposing spectacle of impotency. One of the objects of a "more perfect Union" was "to provide for the common defense." A nation which could not fight would be powerless to secure "the Blessings of Liberty to Ourselves and our Posterity." Self-preservation is the first law of national life and the constitution itself provides the necessary powers in order to defend and preserve the United States. Otherwise, as Mr. Justice Story said, "the country would be in danger of losing both its liberty and its sovereignty from its dread of investing the public councils with the power of defending it. It would be more willing to submit to foreign conquest than to domestic rule."

**DISTRIBUTION OF POWERS.**

The war powers under the constitution are carefully distributed. To Congress is given the power "to declare war." The proposal to add "to make peace" found no favor, as this was deemed to belong to the treaty-making power vested in the President and the Senate. To the President was given the direction of war as the Commander in Chief of the Army and Navy. It was not in the contemplation of the constitution that the command of forces and the conduct of campaigns should be in charge of a council or that as to this there should be a division of authority or responsibility. The prosecution of war demands in the highest degree the promptness, directness, and unity of action in military operations which alone can proceed from the

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by democracy is, to be effectively through its chosen instruments and in accordance with the established organic law.

#### PLENARY POWER TO WAGE WAR.

While the President is Commander in Chief, in the Congress resides the authority "to raise and support Armies" and "to provide and maintain a Navy" and "to make Rules for the Government and Regulation of the land and naval Forces," and as a safeguard against military domination the power to raise and support armies is qualified by the provision that "no appropriation of Money to that Use shall be for a longer term than two Years." Otherwise this power is unlimited. The Congress is to prescribe the military organizations and provide the military establishment, fix numbers, regulate equipment, afford maintenance, and for these purposes appropriate such amounts of money as it thinks necessary.

#### POWER TO PASS CONSCRIPTION LAWS.

Upon every citizen lies the duty of aiding in the common defense. In exercising its constitutional power to raise armies the Congress may enforce this duty. The Congress may call anyone to service who is able to serve. The question who may be called, or in what order, is simply one for the judgment of the National Legislature. The power vested in Congress is not to raise armies simply by calling for volunteers, but to raise armies by whatever method Congress deems best, and hence must be deemed to embrace conscription. To the framers of the constitution the draft was a familiar mode of raising armies, as it had been resorted to by the colonies to fill up their quotas in the Revolutionary War. It is true that the proposal, in 1814, of Monroe, as Secretary of War, to resort to conscription was vigorously opposed as unconstitutional. But the draft was put in force both by the Union and by the Confederacy during the Civil War, and its validity was sustained by the courts in both North and South. "The power of coercing the citizen," said Judge Robertson, of Virginia, in *Burroughs v. Peyton*, 10 Gratt., 470 (1864), "to render military service, is indeed a transcendent power in the hands of any government; but, so far from being inconsistent with liberty, it is essential to its preservation."

#### LINCOLN'S OPINION.

Permit me to quote upon this question the opinion prepared (although not published) by President Lincoln, which sets forth admirably the grounds for sustaining the power of Congress to pass a Conscription Act:

"In this case, those who desire the rebellion to succeed, and others who seek reward in a different way, are very active in accommodating us with this class of arguments. They tell us the law is unconstitutional. It is the first instance, I believe, in which the power of Congress to do a thing has ever been questioned in a case when the power

<sup>1</sup> *Man Kwoiler v. Lane*, 5 Phila. 485, 48 Pa. 81, 234; *McCall's Case*, Fed. Cas. No. 8660; *Ex Parte Mill*, 36 Ala. 620; *Ex Parte Bolling*, 30 Ala. 109; *Jaffee v. Fair*, 31 Ga. 267; *Harber v. Irwin*, 34 Ga. 26; *Parler v. Kaughman*, 34 Ga. 136; *Osslin v. Walton*, 60 N. C. 333; *Ex Parte Campbell*, 26 Tex. 386; *Burroughs v. Peyton*, 57 Va. (10 Gratt.) 470; also *Lanahan v. Bight*, 30 Conn. 438, 443; *Matter of Spangler*, 11 Mich. 200; *Allen v. Colby*, 47 N. H. 646; *In re Orinier*, 16 Wis. 423; *Druecker v. Solomon*, 21 Wis. 421.

first case in which the degree of effrontery has been ventured upon, in denying a power which is plainly and distinctly written down in the Constitution. The Constitution declares that 'The Congress shall have power . . . to raise and support Armies; but no appropriation of money to that use shall be for a longer term than two years.' The whole scope of the conscription act is 'to raise and support armies.' There is nothing else in it. Do you admit that the power is given to raise and support armies, and yet insist that by this act Congress has not exercised the power in a constitutional mode? Has not done the thing in the right way? Who is to judge of this? The Constitution gives Congress the power, but it does not prescribe the mode or expressly declare who shall prescribe it. In such case Congress must prescribe the mode, or relinquish the power. There is no alternative. The power is given fully, completely, unconditionally. It is not a power to raise armies if State authorities consent; nor is the men to compose the armies are entirely willing; but it is a power to raise and support armies given to Congress by the Constitution without an 'if.' The principle of the draft, which simply is involuntary or enforced service, is not new. It has been practiced in all ages of the world. It was well known to the framers of our Constitution as one of the modes of raising armies, at the time they placed in that instrument the provision that 'the Congress shall have power to raise and support armies.' Wherein is the peculiar hardship now? Shall we shrink from the necessary means to maintain our free government which our grandfathers employed to establish it and our own fathers have already employed once to maintain it? Are we degenerate? Has the manhood of the race run out?"

These are the words of Lincoln, penned in the midst of the Civil War, in which conscription was enforced, and his reasoning is conclusive. And while the question was not presented to the United States Supreme Court, the power of Congress was explicitly recognized in *Turble's Case*,<sup>2</sup> and in later opinions.<sup>3</sup>

#### CONSCIENTIOUS OBJECTORS.

The constitutional authority thus vested in Congress is not limited by any qualification arising from religious beliefs or conscientious objections. These are matters not affecting power, but policy. As Mr. Justice Harlan said, in delivering the opinion of the Supreme Court in *Jacobson v. Massachusetts*,<sup>4</sup> one "may be compelled, by force if need be, against his will and without regard to his personal wishes or his pecuniary interests, or even his religious or political convictions, to take his place in the ranks of the army of his country, and risk the chance of being shot down in its defense." It is, however, in my judgment, a sound policy on the part of Congress to provide for the discharge from the draft of conscientious objectors. Nothing, I believe, is gained for the country by overriding the claims of conscience in such cases; but it is obviously necessary that there should be such definitions and restrictions as will prevent imposture and evasion by those who have as little conscience as they have stomach for war.

#### THIRTEENTH AMENDMENT.

It is now contended in some quarters that this power, which undoubtedly Congress had, has been restricted or abolished by the Thirteenth Amendment, which was adopted after the close of the Civil War. This amendment provides that "Neither slavery nor

<sup>2</sup> *Lincoln's Works*, Vol. II, p. 398.

<sup>3</sup> 12 Wall. 297, 404.

<sup>4</sup> *See In re Urimley*, 137 U. S. 147, 163; *Jacobson v. Massachusetts*, 197 U. S. 11, 20.

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St. or any place subject to their jurisdiction." It has been said by the United States Supreme Court that the plain intention "was to abolish slavery of whatever name and form and all its badges and incidents; to render impossible any state of bondage; to make labor free by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude." It hits not only slavery but peonage. But the language of the amendment was not new. It reproduced the historic words of the Ordinance of 1787 for the Government of the Northwest Territory, and its terms, construed in the light of its history and plain purpose, afford no basis whatever for the conclusion that it interfered in the slightest degree with the power of Congress to raise and support armies.

In the case of *Robertson v. Baldwin*<sup>1</sup> it was argued that the Thirteenth Amendment invalidated certain provisions of the Revised Statutes authorizing justices of the peace to issue warrants for deserting seamen. In denying the claim the court said: "It is clear, however, that the amendment was not intended to introduce any novel doctrine with respect to certain descriptions of service which have always been treated as exceptions, such as military and naval enlistments." The soldier drafted under the Act of Congress is performing the duty which he owes of aiding in the common defense, and the constitutional amendment contemplates no escape from the duty to defend and preserve the United States.

#### POWER OVER THE MILITIA.

The power to "raise and support armies" should not be confused with the power given to Congress "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions"; and "to provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively the Appointment of the Officers and the Authority of training the Militia according to the discipline prescribed by Congress." The President is Commander in Chief not only of "the Army and Navy of the United States," but also "of the Militia of the several States, when called into the actual Service of the United States."

The militia, within the meaning of these provisions of the constitution, is distinct from the Army of the United States. "Remember always," said Daniel Webster, "that the great principle of the Constitution on that subject is that the militia is the militia of the States, and not of the general government; and being thus the militia of the States, there is no part of the Constitution worded with greater care, and with a more scrupulous jealousy, than that which grants and limits the power of Congress over it."

In order to execute the laws of the Union, to suppress insurrection and to repel invasions, it would be necessary to employ regular troops or to employ the militia. And the power given to Congress with respect to the militia was manifestly to make a large standing army unnecessary. But as the service of the organized militia can

<sup>1</sup> 165 U. S. 275.

be employed in the constitution, it follows (as Attorney General Wickersham advised President Taft)<sup>2</sup> that the organized militia, as such, can not be employed for offensive warfare outside the limits of the United States.

#### MAY SEND ARMY ABROAD.

This, however, is apart from the power of Congress to raise and support a federal army. Congress may be content with a small standing army in ordinary times, but Congress may create and equip such army as it pleases, subject to the qualification with respect to appropriations. It can equip an army in preparation for war, and of course it may furnish whatever army is required for the prosecution of war. The organization and service of an army raised by Congress are not subject to the limitations governing its control of the militia. The power to use an army is coextensive with the power to make war; and the army may be used wherever the war is carried on, here or elsewhere. There is no limitation upon the authority of Congress to create an army and it is for the President as Commander-in-Chief to direct the campaigns of that army wherever he may think they should be carried on. As Chief Justice Taney, speaking for the Supreme Court in *Fleming v. Page*,<sup>3</sup> said:

"As Commander-in-Chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country and subject it to the sovereignty and authority of the United States."

We employed our arms in Canada in the War of 1812; our troops were again sent to foreign soil in the Mexican War and in the War with Spain, and more recently have been employed in China and Mexico. There is no doubt of the constitutional authority to employ our forces on the battle fields of Europe in the war that we are now waging for the safety of the United States and to conquer an enduring peace that the liberties of free peoples throughout the world may forever be secure from the aggressions of unscrupulous military power.

#### POWER TO WAGE WAR SUCCESSFULLY.

The power to wage war is the power to wage war successfully. The framers of the Constitution were under no illusions as to war. They had emerged from a long struggle which had taught them the weakness of a mere confederation, and they had no hope that they could hold what they had won save as they established a Union which could fight with the strength of one people under one government intrusted with the common defense. In equipping the National Government with the needed authority in war they tolerated no limitations inconsistent with that object, as they realized that the very existence of the Nation might be at stake and that every resource of the people must be at command. Said Madison in the *Federalist*: "Security against foreign danger is one of the primitive objects of civil society. It is an avowed and essential object of the American

<sup>2</sup> 20 Ops. Attorney General, 322; see *Marlin v. Mott*, 12 Wheat. 19.

<sup>3</sup> 19 How. p. 613.

the national defense, is one of those refinements which owe their origin to a zeal for liberty more ardent than enlightened." He again emphasizes the same idea in these words: "The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances and ought to be under the direction of the same councils which are appointed to preside over the common defense."<sup>1</sup>

It was in this view that plenary power was given to Congress to wage war and raise armies. It is also in the light of this conception of national exigencies that we must read subdivision 18 of section 8 of Article I of the constitution (following the enumeration of powers), which gives Congress the authority "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." It must also be remembered that it is of the essence of national power that where it exists it dominates. There is no room in our scheme of government for the assertion of state power in hostility to the authorized exercise of federal power. The power of the National Government to carry on war is explicit and supreme, and the authority thus resides in Congress to make all laws which are needed for that purpose; that is, to Congress in the event of war is confided the power to enact whatever legislation is necessary to prosecute the war with vigor and success, and this power is to be exercised without impairment of the authority committed to the President as Commander-in-Chief to direct military operations.

#### POWER OF THE PRESIDENT.

Each of these powers, that of Congress and of the President, is the subject of a distinct grant; each is the complement of the other, and together they furnish the adequate equipment of authority for war. There is no more impressive spectacle than that of the President of the Republic in time of war when in addition to the other great powers of his office he acts in supreme command of the armed forces of the Nation and conducts its military campaigns. It was under this power that President Lincoln defended the proclamation of emancipation. It related to those held as slaves in the States in rebellion, and he regarded it, as it recited, as a necessary act of war within his authority as Commander-in-Chief. He thus expressed this point of view:

"You say it is unconstitutional. I think differently. I think the Constitution invests its Commander-in-Chief with the law of war in time of war. The most that can be said—is so much—is that slaves are property. Is there—has there ever been—any question that by the law of war, property, both of enemies and friends, may be taken when needed? And is it not needed whenever taking it helps us or hurts the enemy? Armies, the world over, destroy enemies' property when they can not use it, and even destroy their own to keep it from the enemy."<sup>2</sup>

<sup>1</sup> Federalist, No. XLI.  
<sup>2</sup> Id., No. XXVI.

<sup>1</sup> Id., No. XXIII.  
<sup>2</sup> Lincoln's Works, Vol. II, p. 397.

Commander-in-Chief through legislation of Congress increasing his administrative authority. War demands the highest degree of efficient organization, and Congress in the nature of things can not prescribe many important details as it legislates for the purpose of meeting the exigencies of war. Never is adaptation of legislation to practical ends so urgently required, and hence Congress naturally in very large measure confers upon the President the authority to ascertain and determine various states of fact to which legislative measures are addressed. Further, a wide range of provisions relating to the organization and government of the army and navy which Congress might enact if it saw fit, it authorizes the President to prescribe. The principles governing the delegation of legislative power are clear, and while they are of the utmost importance when properly applied, they are not such as to make the appropriate exercise of legislative power impracticable. "The Legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation." Congress can not be permitted to abandon to others its proper legislative functions; but in time of war, when legislation must be adapted to many situations of the utmost complexity, which must be dealt with effectively and promptly, there is special need for flexibility and for every resource of practicality; and of course whether the limits of permissible delegation are in any case overstepped always remains a judicial question. We thus not only find these great war powers conferred upon the Congress and the President, respectively, but also a vast increase of administrative authority through legislative action springing from the necessities of war.

#### OTHER PROVISIONS OF THE CONSTITUTION—TAXING POWER.

The question remains: What may be deemed to be the force and effect in time of war of the restrictive provisions contained in the Constitution with respect to the exercise of federal authority? It is manifest at once that the great organs of the National Government retain and perform their functions as the constitution prescribes. Senators and Representatives are qualified and chosen as provided in the constitution and the legislative power vested in the Congress must be exercised in the required manner. The President is still the constitutional Executive, elected in the manner provided and subject to the restraints imposed upon his office. The judicial power of the United States continues to be vested in one Supreme Court and such inferior courts as Congress has ordained. Again, apart from the provisions fixing the framework of the Government, there are limitations which by reason of their express terms or by necessary implication must be regarded as applicable as well in war as in peace. Thus one of the expressed objects of the power granted to Congress "to

<sup>1</sup> See *Field v. Clark*, 143 U. S. 649, 694.

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lay in collect Taxes, Duties, Imposts, and Excises in to provide for the common defense," and it can not be doubted that taxes laid for this purpose, that is, to support the army and navy and to provide the means for military operations, must be laid subject to the constitutional restrictions. That is, all duties, impost, and excises must be uniform throughout the United States, and direct taxes must be apportioned among the States according to population. And by the Sixteenth Amendment, providing that income taxes, from whatever source derived, may be laid without apportionment among the States, these taxes fall into the great class of excise duties and impost and are alike subject to the rule requiring geographical uniformity, a requirement operative in war as well as in peace.

#### TREASON.

The provisions as to treason are also clearly applicable in war:

"Treason against the United States shall consist only in levying War against them or in adhering to their Enemies, giving them Aid and Comfort."

And—

"The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood or Forfeiture except during the Life of the Person attained."

#### FIFTH AND SIXTH AMENDMENTS.

But what shall be said of the efficacy in time of war of the great guaranties of personal and property rights? It would be impossible on this occasion to discuss comprehensively this important subject, or even to refer to all these guaranties, but we may briefly touch upon the question in its relation to the Fifth and Sixth Amendments, viz:

"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Clearly these Amendments, normally and perfectly adapted to conditions of peace, do not have the same complete and universal application in time of war. Thus the Fifth Amendment normally gives its protection to "any person." But in war this must yield to the undoubted national power to capture and confiscate the property of enemies. This was distinctly ruled by the Supreme Court in *Miller v. United States*,<sup>1</sup> a proceeding brought under the confiscation acts of 1861 and 1862 to confiscate shares of stock owned by Miller, a Virginian, in a Michigan corporation. The court said:

"if the act of 1861, and the fifth, sixth, and seventh sections of the act of July 17, 1862, were municipal regulations only, there would be force in the objection that Congress has disregarded the restrictions of the fifth and sixth amendments of the Constitution. . . . if, on the contrary, they are an exercise of the war powers of the government,

<sup>1</sup> 11 Wall, 208, 304-306.

they are not affected by the restrictions imposed by the fifth and sixth amendments. This we understand to have been conceded in the argument. The question, therefore, is, whether the action of Congress was a legitimate exercise of the war power. The Constitution confers upon Congress expressly power to declare war, grant letters of marque and reprisal, and make rules respecting captures on land and water. Upon the exercise of these powers no restrictions are imposed. Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted. It therefore includes the right to seize and confiscate all property of an enemy and to dispose of it at the will of the captor. This is and always has been an undoubted belligerent right."

#### MARTIAL LAW.

Again, in the place where actual military operations are being conducted, the ordinary rights of citizens must yield to paramount military necessity. This was conceded in *Milligan's case*,<sup>1</sup> where it was said in the prevailing opinion:

"If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of actual military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course."

A different question, however, is presented with respect to the rights of citizens, and others not enemies, in places which are outside the actual theater of war. It was upon the question of the power of Congress to provide for the trial of citizens by military commission in such places that the justices sharply divided in the noted case of *Milligan*.<sup>2</sup> He was a citizen of Indiana, who had been tried by a military commission at Indianapolis on a charge of aiding the enemy and conspiring against the Government, and had been sentenced to be hung. He was not a resident of one of the rebellious States, nor a prisoner of war, and he had not been in the military or naval service. The Court was unanimous in the opinion that under the terms of the Act of Congress creating the commission it had no jurisdiction. But the majority of the court went further and declared that Congress was without power to provide for the trial of citizens by military commissions save in the locality of actual war and when there was no access to the courts. Maintaining with eloquent emphasis the guaranties of freedom contained in the Fifth and Sixth Amendments, the majority of the court asserted that—

"Martial law can not arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration. . . . Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war."

The minority of four justices, led by Chief Justice Chase, while agreeing that there was no jurisdiction in *Milligan's case* under the Act of Congress, strongly insisted that Congress in time of war had the power to provide for the punishment of citizens, charged with conspiracy against the United States by military tribunals, if it was deemed necessary for the public safety. Deducing this view from the war powers conferred by the Constitution, the Chief Justice said:

"Where peace exists the laws of peace must prevail. What we do maintain is that when the Nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine to

<sup>1</sup> 4 Wall, 2, 127.

<sup>2</sup> 4 Wall, 2.

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author. . . of military tribunals for the trial of crimes and offenses against the discipline or security of the army or against the public safety. . . . The fact that the Federal Courts were open was regarded by Congress as a sufficient reason for not exercising the power; but that fact could not deprive Congress of the right to exercise it. These courts might be open and undisturbed in the execution of their functions and yet wholly incompetent to avoid threatened danger, or to punish with adequate promptitude and certainty the guilty conspirators. . . . In times of rebellion and civil war it may often happen, indeed, that judges and marshals will be in active sympathy with the rebels and courts their most efficient allies. . . . It was for Congress to determine the question of expediency."

Prof. Willoughby, in a careful review of the Milligan case,<sup>1</sup> regards the doctrine of the majority as essentially sound, that the necessity justifying martial law may not be created by legislative fiat. But he suggests that the majority went too far in the absolute declaration that martial law can not arise from "a threatened invasion," and that the mere fact that the courts are open, regardless of all other conditions, is a conclusive test. "The better doctrine," says Willoughby, "is not for the courts to attempt to determine in advance with respect to any one element what does, what does not, create a necessity for martial law, but, as in all other cases of the exercise of official authority, to test the legality of an act by its special circumstances."

Certainly, the test should not be a mere physical one, nor should substance be sacrificed to form. The majority recognized "a necessity to furnish a substitute for the civil authority," when overthrown, in order "to preserve the safety of the army and society." If this necessity actually exists it can not be doubted that the power of the Nation is adequate to meet it, but the rights of the citizen may not be impaired by an arbitrary legislative declaration. Outside the actual theater of war, and if, in a true sense, the administration of justice remains unobstructed, the right of the citizen to normal judicial procedure is secure.

#### CITIZEN'S RIGHTS OF PROPERTY.

Further, with respect to the citizen's rights of property, a distinction may be taken between the unavoidable deprivations which take place where the conflict rages, and those takings, although for military purposes, which are deliberate appropriations for which compensations must be made. As was said by the Supreme Court in *United States v. Russell*.<sup>2</sup>

"Private property, the Constitution provides, shall not be taken for public use without just compensation. . . . Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed into the public service, or may be seized or appropriated to the public use, or may even be destroyed without the consent of the owner. . . . Where such an extraordinary and unforeseen emergency occurs in the public service in time of war no doubt is entertained that the power of the government is ample to supply for the moment the public wants in that way to the extent of the immediate public exigency, but the public danger must be immediate, imminent, and impending, and the emergency in the public service must be extreme and imperative and such as will not admit of delay or a resort to any other source of supply. . . . Such a justification may be shown, and when shown the rule is well settled that the officer taking private property for such a purpose, if the emergency is fully proved, is not a trespasser, and that the government is bound to make full compensation to the owner."

<sup>1</sup> 2 Willoughby on the Constitution, p. 1251.

<sup>2</sup> 13 Wall., 623, 627-628.

Distinct from such requisitions from individuals is the necessary regulation of the use of property to secure the successful prosecution of the war. We are witnessing a new phase of the exercise of war powers. But the applicable principle to determine the validity of such action is not new. Even in times of peace we are familiar with the principle of regulation which extends to callings "affected with a public interest." The Supreme Court, after reviewing the decisions, recently said:

"They demonstrate that a business, by circumstances and its nature, may rise from private to be of public concern and be subject, in consequence, to governmental regulation. And they demonstrate that the attempts made to place the right of public regulation in the cases in which it has been exerted, and of which we have given examples, upon the ground of special privilege conferred by the public on those affected can not be supported. The underlying principle is that business of certain kinds holds such a peculiar relation to the public interest that there is superinduced upon it the right of public regulation."

The extraordinary circumstances of war may bring particular business and enterprises clearly into the category of those which are affected with a public interest and which demand immediate and thoroughgoing public regulation. The production and distribution of foodstuffs, articles of prime necessity, those which have direct relation to military efficiency, those which are absolutely required for the support of the people during the stress of conflict, are plainly of this sort. Reasonable regulations to safeguard the resources upon which we depend for military success must be regarded as being within the powers confided to Congress to enable it to prosecute a successful war. In the words of the Supreme Court:

"It is also settled beyond dispute that the Constitution is not self-destructive. In other words, that the power which it confers on the one hand it does not immediately take away on the other."

This was said in relation to the taxing powers. Having been granted in express terms, the Court held it had not been taken away by the due process clause of the Fifth Amendment. As the Supreme Court put it in another case:

"the Constitution does not conflict with itself by conferring upon the one hand a taxing power and taking the same power away on the other by the limitations of the due process clause."

Similarly, it may be said that the power has been expressly given to Congress to prosecute war and to pass all laws which shall be necessary and proper for carrying that power into execution. That power explicitly conferred and absolutely essential to the safety of the Nation is not destroyed or impaired by any later provision of the constitution or by any one of the amendments. These may all be construed so as to avoid making the constitution self-destructive, so as to preserve the rights of the citizen from unwarrantable attack, while assuring beyond all hazard the common defense and the perpetuity of our liberties. These rest upon the preservation of the Nation.

<sup>3</sup> *German Alliance Ins. Co. v. Kansas*, 233 U. S., 389, 411.

<sup>4</sup> *Hillings v. United States*, 232 U. S., 201, 282.

<sup>5</sup> *Brushaber v. United States*, 240 U. S., 1, 24.

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It has been said that the constitution marches. That is, there are constantly new applications of unchanged powers, and it is ascertained that in novel and complex situations, the old grants contain, in their general words and true significance, needed and adequate authority. So, also, we have a *fighting* constitution. We can not at this time fail to appreciate the wisdom of the fathers, as under this charter, one hundred and thirty years old—the constitution of Washington—the people of the United States fight with the power of unity—as we fight for the freedom of our children and that hereafter the sword of autocrats may never threaten the world.

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PUBLIC PAPERS OF THE PRESIDENTS  
OF THE UNITED STATES

Herbert Hoover

*Containing the Public Messages, Speeches, and  
Statements of the President*

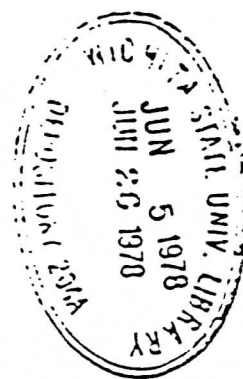
JANUARY 1, 1932 TO MARCH 4, 1933

1932-33



UNITED STATES GOVERNMENT PRINTING OFFICE

WASHINGTON : 1977



Contains original draft of Bank relief Act

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### *Supplement I*

I may add that these matters are dealt with here only in summary form, because it is understood that you are familiar with the results of the discussions that have taken place recently, including the conference that was held Tuesday evening.

Respectfully yours,  
EUGENE MEYER  
Governor

[Letter, dated March 2, 1933, from Secretary Mills, follows.]

*Dear Mr. President:*

Referring to your personal notes of February 22nd and March 1st, 1933, I have submitted to Mr. Woodin in detail the various phases of the present financial and banking situations and the critical nature of the problems that confront the country and the Government. I emphasized the desire of the Administration to cooperate in every way with the incoming Administration and to facilitate the transfer of the government from the present to the incoming Administration.

On the occasion of my first conference with him on February 22nd, I pointed out how enormously helpful it would be were Governor Roosevelt willing at once to declare that it would be his policy to take all necessary steps to bring the budget of the Federal Government into balance and to maintain the credit of the Government and to resist all schemes looking to uncontrolled inflation. Again last night, I stated as emphatically as I could that great as are the present difficulties, their solution would be greatly facilitated by a clean-cut declaration along these lines in the Inaugural Address, while a failure to do so would inevitably increase the existing uncertainty and fear and magnify the obstacles to be overcome.

Mr. Woodin evidently was not in a position to commit the President-elect, but he and I have spoken fully and frankly. He certainly knows my views, and I think they faithfully represent yours. I know that he will welcome any assistance that I may be able to give him in taking over his own immediate and at present extremely difficult duties.

Faithfully yours,  
ODDEN L. MILLS  
Secretary of the Treasury

[Hon. Herbert Hoover, The White House]

[The President's letter to the Federal Reserve Board, dated March 2, 1933, follows.]

*Gentlemen:*

I understand that the Board is meeting this evening to consider recommending to me the use of the emergency powers under Section 5 of the Enemy Trading Act

as amended, for the purposes. I shall be glad to inform the Board that these powers should be issued by me.

I also take this occasion to advise you that I am familiar with the situation of the deposits, but I am not sure when the Board should advise me herewith a rough outline.

[To the Governor and

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1. All member banks upon appraisal by the Board as he may designate the joining of the plan to
2. For purposes of two categories, that is
3. The government
4. The "active deposits"
  - a. New deposits
  - b. 50% of the existing deposits
5. The "active deposits" of stockholders' liability "active deposits" an outstanding.
6. The percentage beyond 50% is on more than 50% but not exceeding 75%—if the assets for 30% and beyond

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### Supplement I

is amended, for the purpose of limiting the use of coin and currency to necessary purposes. I shall be glad to have the advice of the Board. If it is the view of the Board that these powers should be exerted I would be glad to have your recommendation accompanied by a form of proclamation, as it would seem to me it should be issued by me before banking hours tomorrow morning.

I also take this occasion to acknowledge the receipt of your letter of February 28th. I am familiar with the inherent dangers in any form of federal guarantee of banking deposits, but I am wondering whether or not the situation has reached the time when the Board should give further consideration to this possibility. I am enclosing herewith a rough outline of a method upon which I should like to have the Board advise me.

Yours faithfully,

HERBERT HOOVER

[To the Governor and Directors of the Federal Reserve Board, Washington, D.C.]

Plan submitted to Secretary Mills and rejected by him

(Plan sent to Federal Reserve Board March 2.)

1. All member banks shall be eligible. All non-member banks shall be eligible upon appraisal by the Federal Reserve Banks or by the Comptroller or such agencies as he may designate that the net assets of such bank exceeds 50% of the depositors. Making of the plan to be voluntary with the banks.

2. For purposes of the plan, deposits in the joining banks are to be divided into two categories, that is "active deposits" and "inactive deposits".

3. The government to guarantee 100% of the "active deposits".

4. The "active deposits" to be

a. New deposits made in the banks.

b. 50% of the existing deposits of all depositors except secured or guaranteed depositors.

5. The "active deposits" to be a first charge of all assets of the bank including stockholders' liabilities. "Inactive deposits" to be subordinated entirely to the "active deposits" and not be available to depositors so long as the guarantee is outstanding.

6. The percentage of credit to the individual "active depositor" may be increased from 50% if on examination of the assets of the bank such assets prove to be more than 50%, but no such increase to exceed more than 75% of the value of existing assets. (This plan could be extended to banks whose assets are below 50% by guaranteeing an active account at some proportion of whatever the assets are, say if the assets show 40% of deposits, the "active accounts" could be opened at 40% and be made subject to federal guarantee).

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*Supplement I*

to get at it was through the authority of the Governor in State institutions and our control of hoarding and exchange. He said that Lehman was within a few minutes having a meeting with both of these groups together; that he had no doubt that they would settle it. I asked him if he agreed with my view that there should be no national proclamation closing all the banks. He said he did not want it and would not support it as he wanted to consider the whole question. He told me that he had been talking with Senator Glass for an hour. Glass was opposed to a national closing; that he was opposed to national legislation; that he considered the whole business to be cleaned up through a series of clearinghouses if the bankers of the country would stand up and change their attitude; and that he, Roosevelt, was taking that view. I asked him if I might repeat to my colleagues his statement while he held on to the line. He did so. I told him that I thought that ended all question of national proclamation and he agreed.

Robinson then at once rang up Chicago and asked them how they were coming on. They expressed the view that the President should not under any circumstances issue a proclamation; that they had the Governor of Illinois in a meeting at that moment with the Federal Reserve and representative banking officials, together with the clearinghouse people; that the Governor was perfectly prepared to put in the holiday if the banks asked for it and that a national closing might do much harm.

At 12 o'clock, Dawes rang me up and asked what the situation was. I told him the situation.

I then went to bed.

*Saturday, March 4, 1933*

At 1:30, I was awakened by the policeman who delivered the attached letter from Eugene Meyer. At 8 o'clock in the morning I checked up and found that the two Governors had issued their proclamations. I called up Mills at 9:30 to ask him what had taken place at the Federal Reserve Board that gave rise to the letter they had written to me. He told me that he had objected to the letter but that they had overruled him; that Meyer was merely trying to escape responsibilities; that

Meyer had  
and was and  
had objected  
At 10 o'clock

[Eugene Meyer  
Dear Mr. President

The Federal  
the latest report  
reached the point  
hours tomorrow  
dangerously  
requested that  
of dealing with

There is an  
the Federal Reserve  
for itself as to

Similar conditions

The Federal  
emergency, or  
The Senate has  
to be the only  
order is enclosed

The Federal  
has reached a  
collapse.

P.S. Since this  
resolution adopted  
Chicago, now in  
Enclosures.

[The President

RESOLUTION

WHEREAS  
of New York,  
the banks of the

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*Supplement I*

Meyer had been the origin of the whole movement with Woodin and was anxious to loom large in the new administration; that he, Mills, had objected all along to the letter.

At 10 o'clock I wrote to Meyer my opinion of what he had done.

[Eugene Meyer's letter with enclosures, dated March 3, 1933, follows.]

*Dear Mr. President:*

The Federal Reserve Board has been in session again this evening reviewing the latest reports of developments. The situation as reported from Chicago has reached the point of extreme tension, with prospects that by the end of banking hours tomorrow the gold reserves of the Federal Reserve Bank of Chicago will be dangerously depleted. Representative bankers are assembled there tonight and have requested that a national holiday be proclaimed as the only method they know of dealing with the immediate exigency with which they are confronted.

There is enclosed a copy of a resolution adopted by the Board of Directors of the Federal Reserve Bank of New York, now in session. This resolution speaks for itself as to the New York situation.

Similar conditions are developing rapidly in other Federal reserve districts.

The Federal Reserve Board has considered two methods of dealing with this emergency, one by executive order and the other by joint resolution of Congress. The Senate having adjourned for the day, the issuance of an executive order seems to be the only alternative to meet the immediate situation. A form of executive order is enclosed for your consideration.

The Federal Reserve Board feels that it cannot too strongly urge that the situation has reached a point where immediate action is necessary to prevent a banking collapse.

Respectfully,  
EUGENE MEYER  
GOVERNOR

P.S. Since this letter was dictated, there has been communicated to us, by telephone, a resolution adopted by the Executive Committee of the Federal Reserve Bank of Chicago, now in session. A copy of this resolution also is enclosed.  
Enclosures.

[The President, The White House]

RESOLUTION ADOPTED BY THE FEDERAL RESERVE BOARD OF NEW YORK

WHEREAS, In the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency, and

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### Supplement I

WHEREAS, It is understood that adequate remedial measures cannot be enacted before tomorrow morning,

NOW, THEREFORE, BE IT RESOLVED, That in this emergency the Federal Reserve Board is hereby requested to urge the President of the United States to declare a bank holiday Saturday, March 4, and Monday, March 6, in order to afford opportunity to governmental authorities and the banks themselves to take such measures as may be necessary to protect the interests of the people and promptly to provide adequate banking and credit facilities for all parts of the country.

#### PROPOSED EXECUTIVE ORDER

##### EXECUTIVE ORDER

WHEREAS the nation's banking institutions are being subjected to heavy withdrawals of currency for hoarding; and

WHEREAS there is increasing speculative activity in foreign exchanges; and

WHEREAS these conditions have created a national emergency in which it is in the best interest of all bank depositors that a period of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange, and permitting the application of appropriate measures for dealing with the emergency in order to protect the interests of all the people; and

WHEREAS it is provided in Section 5(b) of the Act of October 6, 1917, as amended, that "The President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency \* \* \*"; and

WHEREAS it is provided in Section 16 of the said Act that "Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both \* \* \*";

NOW, THEREFORE, pursuant to the authority granted by said Act, I hereby order, direct and declare that:

1. From Saturday, the fourth day of March, to Tuesday, the Seventh day of March, Nineteen Hundred and Thirty Three, both dates inclusive, there shall be maintained and observed throughout the United States of America a bank holiday for all of the purposes hereinafter set forth;

2. During said holiday, no banking institution as hereinafter defined shall pay out, export, earmark, or permit the withdrawal or transfer in any manner or by

any device with any other active banking institution exchange, or transfer

3. Upon the President of the United States' earmark or permit the currency, or disburse or otherwise with the approval

4. The Secretary is authorized and directed to carry out the

5. The term "banking institution" includes reserve banks, building and loan associations or discounting banks

The White House, March, 1933.

RESOLVED

WHEREAS the Federal Reserve Board has issued an order regarding currency and deposits which requires

WHEREAS this situation is

NOW, THEREFORE, in the sense of this Act, the President of the United States, on Saturday, March 4, 1933, has taken the necessary measures to provide adequate banking and credit facilities for the entire Nation

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## Supplement 1

any device whatsoever of any gold or silver coin or bullion or currency or take any other action which might facilitate the hoarding thereof; nor shall any such banking institution pay out deposits, make loans or discounts, deal in foreign exchange, or transact any other banking business whatsoever.

3. Upon the expiration of said holiday and until otherwise ordered by the President of the United States, such banking institutions may pay out, export, earmark or permit the withdrawal or transfer of gold or silver coin or bullion or currency, or deal in foreign exchange to such extent as may be permitted by license or otherwise under regulations issued by the Secretary of the Treasury with the approval of the President.

4. The Secretary of the Treasury, with the approval of the President, is authorized and empowered to prescribe such regulations as he may find necessary to carry out the purposes of this order.

5. The term "banking institution" as herein used shall include all Federal reserve banks, national banking associations, banks, trust companies, savings banks, building and loan associations, credit unions, or other corporations, partnerships, associations or persons engaged in the business of receiving deposits, making loans, discounting business paper, or transacting any other form of banking business.

The White House  
March, 1933.

### RESOLUTION ADOPTED BY THE FEDERAL RESERVE BOARD OF CHICAGO

WHEREAS, The Executive Committee of the Board of Directors of the Federal Reserve Bank of Chicago believes that the continuation of the withdrawal of currency and gold from the banks of the country has created a national emergency which requires immediate action, and

WHEREAS, it appears that adequate measures cannot be enacted to remedy this situation unless governmental authorities act tonight.

NOW, THEREFORE, be it resolved that because of this emergency it is the sense of this Committee that the Federal Reserve Board should urge upon the President of the United States that he immediately declare a bank holiday for Saturday, March 4, and Monday, March 6, in order to give the banks and the governmental authorities sufficient time and an opportunity to provide the necessary measures for the protection of the public interests and so that adequate banking and credit facilities may be provided as promptly as possible for the entire Nation.

### Supplement I

[President Hoover's letter, dated March 4, 1933, in response to Eugene Meyer, follows.]

*My dear Governor Meyer:*

I received at half past one this morning your letter dated March 3rd. I must assume that this letter was written on the basis of information received by you prior to 11:30 o'clock last night for the reason that before your letter was sent you had certain information as follows:

a. At 11 o'clock last night the President-elect had informed me he did not wish such a proclamation issued.

b. The Attorney General had renewed the same opinion which he had already given to the Board that the authorities on which you were relying were inadequate unless supported by the incoming Administration.

c. That groups of representative bankers in both Chicago and New York, embracing members of the Board of Directors of the Federal Reserve Banks in those cities, were then in conference with the governors of the states of Illinois and New York, and that the governors of these two states were prepared to act if these representative groups so recommended. It appears that the governors did take action under their authorities, declaring a temporary holiday in these two critical states, and thus accomplishing the major purposes which the Board apparently had in mind.

In view of the above I am at a loss to understand why such a communication should have been sent to me in the last few hours of this Administration, which I believe the Board must now admit was neither justified nor necessary.

Yours faithfully,

HERBERT HOOVER

[Hon. Eugene Meyer, Federal Reserve Board, Washington, D.C.]

[The coverage of this volume ends at noon on March 4, 1933, with the close of the Hoover administration. Copies of the journal of events from the evening of March 4 to March 8, can be obtained from the Herbert Hoover Presidential Library, West Branch, Iowa. 52358]

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# PROCLAMATIONS

[CONVENING THE CONGRESS IN EXTRA SESSION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Ninth day of March, 1933, to receive such communication as may be made by the Executive;

Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the Ninth day of March, 1933, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

Done at the City of Washington this Fifth day of March, in the year of our Lord One Thousand Nine Hundred and Thirty-three, and [SEAL] of the Independence of the United States the One Hundred and Fifty-seventh.

By the President:  
CORDELL HULL  
Secretary of State.

FRANKLIN D. ROOSEVELT

[No. 2038]

[BANK HOLIDAY, MARCH 6-9, 1933, INCLUSIVE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding; and

WHEREAS continuous and increasingly extensive speculative activity abroad in foreign exchange has resulted in severe drains on the nation's stocks of gold; and

WHEREAS these conditions have created a national emergency; and

WHEREAS it is in the best interests of all bank depositors that a modicum of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange and admitting the application of appropriate measures to protect the interests of our people; and

March 6, 1933.

Preamble.

Convening extra session of Congress, March 9, 1933.

March 6, 1933.

Bank holiday.  
Preamble.

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Trading with the  
Enemy Act.  
Regulation of foreign  
exchange, coin-export,  
etc.  
Vol. 40, p. 415.  
Pub. p. 1891.

Penalties specified for  
violations.  
Vol. 40, p. 423.

Bank, etc., holiday  
declared March 6 to 9,  
1933.  
Act, p. 1.

Banking transactions  
to be suspended during  
period.

Authority of Secretary  
of the Treasury to  
permit certain func-  
tions.

\*Banking institu-  
tions" construed.

WHEREAS it is provided in Section 5(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, "That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency . . ."; and

WHEREAS it is provided in Section 16 of the said Act "that whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years, or both; . . .";

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, in view of such national emergency and by virtue of the authority vested in me by said Act and in order to prevent the export, hoarding, or earmarking of gold or silver coin or bullion or currency, do hereby proclaim, order, direct and declare that from Monday, the sixth day of March, to Thursday, the ninth day of March, Nineteen Hundred and Thirty Three, both dates inclusive, there shall be maintained and observed by all banking institutions and all branches thereof located in the United States of America, including the territories and insular possessions, a bank holiday, and that during said period all banking transactions shall be suspended. During such holiday, excepting as hereinafter provided, no such banking institution or branch shall pay out, export, earmark, or permit the withdrawal or transfer in any manner or by any device whatsoever, of any gold or silver coin or bullion or currency or take any other action which might facilitate the hoarding thereof; nor shall any such banking institution or branch pay out deposits, make loans or discounts, deal in foreign exchange, transfer credits from the United States to any place abroad, or transact any other banking business whatsoever.

During such holiday, the Secretary of the Treasury, with the approval of the President and under such regulations as he may prescribe, is authorized and empowered (a) to permit any or all of such banking institutions to perform any or all of the usual banking functions, (b) to direct, require or permit the issuance of clearing house certificates or other evidences of claims against assets of banking institutions, and (c) to authorize and direct the creation in such banking institutions of special trust accounts for the receipt of new deposits which shall be subject to withdrawal on demand without any restriction or limitation and shall be kept separately in cash or on deposit in Federal Reserve Banks or invested in obligations of the United States.

As used in this order the term "banking institutions" shall include all Federal Reserve banks, national banking associations, banks, trust companies, savings banks, building and loan associations, credit unions, or other corporations, partnerships, associations or persons, engaged in the business of receiving deposits, making loans, discounting business paper, or transacting any other form of banking business.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 6th day of March—1 A.M.  
in the year of our Lord One Thousand Nine Hundred and  
[SEAL] Thirty-three; and of the Independence of the United  
States the One Hundred and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2039]

[CONTINUING IN FORCE THE BANK HOLIDAY PROCLAMATION OF  
MARCH 6, 1933]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

March 9, 1933.

WHEREAS, on March 6, 1933, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by Proclamation declared the existence of a national emergency and proclaimed a bank holiday extending from Monday the 6th day of March to Thursday the 9th day of March, 1933, both dates inclusive, in order to prevent the export, hoarding or earmarking of gold or silver coin, or bullion or currency, or speculation in foreign exchange; and

Bank holiday.  
Preamble.  
Act, p. 1689.

WHEREAS, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority conferred by section 5(b) of the Act of October 6, 1917, as amended, are approved and confirmed; and

Statutory approval  
and authority.  
Act, p. 1.  
Vol. 40, p. 415.

WHEREAS, said national emergency still continues, and it is necessary to take further measures extending beyond March 9, 1933, in order to accomplish such purposes:

Further measures  
necessary under present  
emergency.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in view of such continuing national emergency and by virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917 (40 Stat. L., 411) as amended by the Act of March 9, 1933, do hereby proclaim, order, direct and declare that all the terms and provisions of said Proclamation of March 6, 1933, and the regulations and orders issued thereunder are hereby continued in full force and effect until further proclamation by the President.

Bank holiday ex-  
tended beyond March  
9, 1933.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the District of Columbia, this 9th day of March, in the  
Year of our Lord One Thousand Nine Hundred and Thirty-  
[SEAL] three, and of the Independence of the United States the  
One Hundredth and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2040]

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"Capital stock." the amount of preferred stock outstanding and unimpaired; and the term "capital stock", as used in section 12 of the Act of March 14, 1900, shall mean only the amount of common stock outstanding.

Reconstruction Finance Corporation. Subscription for preferred stock. Part, p. 21. SEC. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank or trust company acquired by the Corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

Sale of, permitted.

Increase of outstanding obligations authorized.

## TITLE IV

Federal Reserve Act, amendments. Vol. 33, p. 239, amended. U.S.C., p. 234. Delivery of circulating notes on deposit of U.S. bonds, etc. Part, p. 21. SEC. 401. The sixth paragraph of Section 18 of the Federal Reserve Act is amended to read as follows:

"Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, duly registered and countersigned. When such circulating notes are issued against the security of obligations of the United States, the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange and bankers' acceptances acquired under the provisions of this Act, the amount thereof shall be equal to not more than 90 per cent of the estimated value of such notes, drafts, bills of exchange and bankers' acceptances so deposited as security. Such notes shall be the obligations of the Federal reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 per cent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the

Amount of issue.

Value, use, etc.

Redemption.

Regulations.

Tax.

Issue to cease when emergency terminates; exception.



### *Inaugural Address*

Constitution is so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement without loss of essential form. That is why our constitutional system has proved itself the most superbly enduring political mechanism the modern world has produced. It has met every stress of vast expansion of territory, of foreign wars, of bitter internal strife, of world relations.

It is to be hoped that the normal balance of Executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But it may be that an unprecedented demand and need for undelayed action may call for temporary departure from that normal balance of public procedure.

I am prepared under my constitutional duty to recommend the measures that a stricken Nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption.

But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.

For the trust reposed in me I will return the courage and the devotion that befit the time. I can do no less.

We face the arduous days that lie before us in the warm courage of national unity; with the clear consciousness of seeking old and precious moral values; with the clean satisfaction that comes from the stern performance of duty by old and young alike. We aim at the assurance of a rounded and permanent national life.

We do not distrust the future of essential democracy. The people of the United States have not failed. In their need they have registered a mandate that they want direct, vigorous action. They have asked for discipline and direction under leadership.

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*Curran to F. H. Brown*  
*March 10 1933*  
*U.*  
*President Proclaims a Bank Holiday*

cessities of life, to relieve distress, and to pay usual salaries and wages; and banks were authorized to accept special trust deposits withdrawable on demand—but all of these regulations prohibited any bank from paying out gold or gold certificates or permitting any withdrawals of currency for hoarding purposes.

The Secretary of the Treasury also issued, on March 6th, instructions to the Treasurer of the United States and to the Director of the Mint prohibiting payments in gold or gold certificates out of the Treasury except pursuant to license issued by the Secretary.

One of the most striking things in the course of the preceding months was the demand for gold for domestic hoarding. Wherever possible, depositors were asking for their money in gold so that it might be stored away as an asset no matter what was to happen to the currency system as a whole. Accordingly, we determined that it was essential during the banking holiday to get as much of this gold back into the banks as possible. Therefore, on March 8th, the Federal Reserve Board asked the Federal Reserve banks to prepare for it lists of persons who had recently withdrawn gold or gold certificates, and who had not redeposited them in a bank by March 13, 1933 (which date was subsequently extended). This request was given wide publicity. The possible publication of the names of

these gold hoarders and the general recognition by the public of the necessity of restoring the country's gold reserves and the gradual renewal of general confidence resulted in a rapid return of gold and gold certificates to the Reserve banks and the Treasury.

During this banking holiday it was at first believed that some form of scrip or emergency currency would be necessary for the conduct of ordinary business. We knew that it would be essential when the banks reopened to have an adequate supply of currency to meet all possible demands of depositors. Consideration was given by Government officials and various local agencies to the advisability of issuing clearing-house certificates or some similar form of local emergency currencies. On March 7, 1933, the Secretary of the Treasury issued a regulation authorizing clearing houses to issue demand certificates against sound assets of banking institutions, but this authority was not to become effective until March 10th. In many cities the printing of these certificates was actually begun, but after the passage of the Emergency Banking Act of March 9, 1933 (48 Stat. 1), it became evident that they would not be needed, because the Act made possible the issue of the necessary amount of emergency currency in the form of Federal Reserve banknotes which could be based on any sound assets owned by banks.



Our first task is to reopen all sound banks. This is an essential preliminary to subsequent legislation directed against speculation with the funds of depositors and other violations of positions of trust.

In order that the first objective—the opening of banks for the resumption of business—may be accomplished, I ask of the Congress the immediate enactment of legislation giving to the executive branch of the Government control over banks for the protection of depositors; authority forthwith to open such banks as have already been ascertained to be in sound condition, and other such banks, as rapidly as possible; and authority to reorganize and reopen such banks as may be found to require reorganization to put them on a sound basis.

I ask amendments to the Federal Reserve Act to provide for such additional currency, adequately secured, as it may become necessary to issue to meet all demands for currency and at the same time to achieve this end without increasing the unsecured indebtedness of the Government of the United States.

I cannot too strongly urge upon the Congress the clear necessity for immediate action. A continuation of the strangulation of banking facilities is unthinkable. The passage of the proposed legislation will end this condition and, I trust, within a short space of time will result in a resumption of business activities.

In addition, it is my belief that this legislation will not only lift immediately all unwarranted doubts and suspicions in regard to banks which are 100 percent sound but will also mark the beginning of a new relationship between the banks and the people of this country.

The Members of the new Congress will realize, I am confident, the grave responsibility which lies upon me and upon them.

In the short space of 5 days it is impossible for us to formulate completed measures to prevent the recurrence of the evils of the past. This does not and should not, however, justify any delay in accomplishing this first step.

At an early moment I shall request of the Congress two other measures which I regard as of immediate urgency. With action taken thereon we can proceed to the consideration of a rounded program of national restoration.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 9, 1933.

#### NATIONAL BANKING SYSTEM

Mr. BYRNS. Mr. Speaker, I ask unanimous consent for the immediate consideration of H.R. 1491, and in its consideration that there shall be 40 minutes of debate, one half of such time to be controlled by the gentleman from Alabama (Mr. STEAGALL) and the other half by the gentleman from Pennsylvania (Mr. McFADDEN); that at the conclusion of the debate the previous question shall be considered as ordered on the bill to final passage.

Now, Mr. Speaker, may I make this statement, with the indulgence of the House, before this request is submitted: The President in his message has given the very best of reasons why this request should be agreed to. The Senate is now awaiting the action of the House upon this particular bill.

It is of the most extreme importance that this bill, introduced a few moments ago by the gentleman from Alabama, carrying out the recommendations of the President preparatory to opening the banks of the country on tomorrow shall be adopted and become a law today.

Unless this request is granted there is, of course, a possibility that this legislation may not become a law today, and no one in this House or elsewhere can know just what the effect will be tomorrow.

Mr. Speaker, the people of the United States have chosen the President as the leader not only of his party but as the leader of the Nation. To him they are looking for relief. He is their only hope. They have confidence in him and are looking to him alone to restore this country to normal prosperity, and I submit that we, as Members of Congress, owe it to the people of this country and owe

it to him upon whom rests this great responsibility, to give him our support in this particular matter and at this particular hour.

I trust, therefore, that there will be no Member of the House on either side of the Chamber who will object to this unanimous-consent request.

If we were acting under the rules of the House and it were suspension day, the Speaker could recognize anyone to move to suspend the rules and pass this bill with a limitation of 40 minutes' debate. This request gives 40 minutes' debate on this bill. I trust, therefore, under the peculiar circumstances and under the serious situation which confronts this country, we will agree to take this bill up now, pass it, send it to the Senate so it may become a law this evening, and thus enable the President of the United States to open the banks tomorrow and give not only the banks but business interests and the people of this country relief.

Mr. SNELL. Mr. Speaker, reserving the right to object, I will appreciate the importance of what the gentleman from Tennessee has said. Of course it is entirely out of the ordinary to pass legislation in this House that, as far as I know, is not even in print at the time it is offered. I do not know that it is possible to distribute copies of the bill to the Members of the House, but that is not the question before us here at the present time. The house is burning down, and the President of the United States says this is the way to put out the fire. [Applause.] And to me at this time there is only one answer to this question, and that is to give the President what he demands and says is necessary to meet the situation.

I do not know that I am in favor of all the details carried in this bill, but whether I am or not, I am going to give the President of the United States today his way. He is the man responsible, and we must at this time follow his lead. I hope no one on this side of the aisle will object to the consideration of the request. [Applause.]

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. BYRNS. I yield.

Mr. BANKHEAD. As far as I am advised, the House has not yet adopted rules of procedure for this Congress. As I understand it, unless objection is raised the ordinary proceedings governing the House during the Seventy-second Congress will prevail in the consideration of this unanimous-consent request?

The SPEAKER. The gentleman is correct.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. I yield.

Mr. O'CONNOR. Just to clear up the parliamentary situation, as I understand the request of the gentleman from Tennessee, it involves the consideration of this bill in the House as though the rules of the Seventy-second Congress had been adopted, and, as it were, under suspension of the rules; and the bill will not be subject to amendment. Is this correct?

Mr. BYRNS. The bill will not be subject to amendment.

Mr. STEAGALL. That is the inquiry I wanted to make. I wanted it clearly understood.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1491

An act to provide relief in the existing national emergency in banking, and for other purposes

Be it enacted, etc., That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

#### TITLE I

Section 1. The actions, regulations, rules, licenses, orders, and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the act of October 6, 1917, as amended, are hereby approved and confirmed.

Sec. 2. Subdivision (b) of section 5 of the act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended to read as follows:

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters, or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term 'person' means an individual, partnership, association, or corporation."

Sec. 3. Section 11 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection:

"(n) Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations, and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations, and corporations. Upon receipt of such gold coin, gold bullion, or gold certificates, the Secretary of the Treasury shall pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States. The Secretary of the Treasury shall pay all costs of the transportation of such gold bullion, gold certificates, coin, or currency, including the cost of insurance, protection, and such other incidental costs as may be reasonably necessary. Any individual, partnership, association, or corporation failing to comply with any requirement of the Secretary of the Treasury made under this subsection shall be subject to a penalty equal to twice the value of the gold or gold certificates in respect of which such failure occurred, and such penalty may be collected by the Secretary of the Treasury by suit or otherwise."

Sec. 4. In order to provide for the safer and more effective operation of the national banking system and the Federal Reserve System, to preserve for the people the full benefits of the currency provided for by the Congress through the national banking system and the Federal Reserve System, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt of an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no member bank of the Federal Reserve System shall transact any banking business except to such extent and subject to such regulations, limitations, and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer, or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding 10 years. Each day that any such violation continues shall be deemed a separate offense.

#### TITLE II

Sec. 201. This title may be cited as the "Bank Conservation Act."

Sec. 202. As used in this title, the term "bank" means (1) any national banking association and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency; and the term "State" means any State, Territory, or possession of the United States, and the Canal Zone.

Sec. 203. Whenever he shall deem it necessary in order to conserve the assets of any bank for the benefit of the depositors and other creditors thereof, the Comptroller of the Currency may appoint a conservator for such bank and require of him such bond and security as the Comptroller of the Currency deems proper. The conservator, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such bank, and take such action as may be necessary to conserve the assets of such bank pending further disposition of its business as provided by law. Such conservator shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks, and shall be subject to the obligations and penalties, not inconsistent with the provisions of this title, to which receivers are now or may hereafter become subject. During the time that such conservator remains in possession of such bank, the rights of all parties with respect thereto shall, subject to the other provisions of this title, be the same as if a receiver had been appointed therefor. All expenses of any such conservatorship shall be paid out of the assets of such bank and shall be a lien in priority to all other claims prior to any other lien provided by the law of the United States. The conservator shall receive as salary an amount not to exceed the

that paid to employees of the Federal Government for similar services.

Sec. 204. The Comptroller of the Currency shall cause to be made such examinations of the affairs of such bank as shall be necessary to inform him as to the financial condition of such bank, and the examiner shall make a report thereon to the Comptroller of the Currency at the earliest practicable date.

Sec. 205. If the Comptroller of the Currency becomes satisfied that it may safely be done and that it would be in the public interest, he may, in his discretion, terminate the conservatorship and permit such bank to resume the transaction of its business subject to such terms, conditions, restrictions, and limitations as he may prescribe.

Sec. 206. While such bank is in the hands of the conservator appointed by the Comptroller of the Currency, the Comptroller may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors, on a ratable basis, such amounts as in the opinion of the Comptroller may safely be used for this purpose; and the Comptroller may, in his discretion, permit the conservator to receive deposits, but deposits received while the bank is in the hands of the conservator shall not be subject to any limitation as to payment or withdrawal, and such deposits shall be segregated and shall not be used to liquidate any indebtedness of such bank existing at the time that a conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating any indebtedness of such bank existing at the time such conservator was appointed. Such deposits received while the bank is in the hands of the conservator shall be kept on hand in cash, invested in the direct obligations of the United States, or deposited with a Federal Reserve bank. The Federal Reserve banks are hereby authorized to open and maintain separate deposit accounts for such purpose or for the purpose of receiving deposits from State officials in charge of State banks under similar circumstances.

Sec. 207. In any reorganization of any national banking association under a plan of a kind which, under existing law, requires the consent, as the case may be, (a) of depositors and other creditors, or (b) of stockholders, or (c) of both depositors and other creditors and stockholders, such reorganization shall become effective only (1) when the Comptroller of the Currency shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other creditors, and stockholders and is in the public interest and shall have approved the plan subject to such conditions, restrictions, and limitations as he may prescribe, and (2) when, after reasonable notice of such reorganization, as the case may require, (A) depositors and other creditors of such bank representing at least 75 per cent in amount of its total deposits and other liabilities as shown by the books of the national banking association, or (B) stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association, or (C) both depositors and other creditors representing at least 75 per cent in amount of the total deposits and other liabilities and stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association, shall have consented in writing to the plan of reorganization. Provided, however, That claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the national banking association in determining the 75 per cent thereof as above provided. When such reorganization becomes effective, all books, records, and assets of the national banking association shall be disposed of in accordance with the provisions of the plan and the affairs of the national banking association shall be conducted by its board of directors in the manner provided by the plan and under the conditions, restrictions, and limitations which may have been prescribed by the Comptroller of the Currency. In any reorganization which shall have been approved and shall have become effective as provided herein, all depositors and other creditors and stockholders of such national banking association, whether or not they shall have consented to such plan of reorganization, shall be fully and in all respects subject to and bound by its provisions, and claims of all depositors and other creditors shall be treated as if they had consented to such plan of reorganization.

Sec. 208. After 15 days after the affairs of a bank shall have been turned back to its board of directors by the conservator, either with or without a reorganization as provided in section 207 hereof, the provisions of section 206 of this title with respect to the segregation of deposits received while it is in the hands of the conservator and with respect to the use of such deposits to liquidate the indebtedness of such bank shall no longer be effective. Provided, That before the conservator shall turn back the affairs of the bank to its board of directors he shall cause to be published in a newspaper published in the city, town, or county in which such bank is located, and if no newspaper is published in such city, town, or county, in a newspaper to be selected by the Comptroller of the Currency published in the State in which the bank is located, a notice in form approved by the Comptroller, stating the date on which the affairs of the bank will be returned to its board of directors and that the said provisions of section 206 will not be effective after 15 days after such date; and on the date of the publication of such notice the conservator shall immediately send to every person who is a depositor in such bank under section 206 a copy of such notice by registered mail, addressed to the last-known address of such person as shown by the records of the bank, and the conservator shall send similar notice in like manner to every person making deposit in such bank.



under section 206 after the date of such newspaper publication and before the time when the affairs of the bank are returned to its directors.

Sec. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes (U. S. C. title 12, sec. 592), and sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C. title 18, secs. 202, 203, 204, 205, 206, and 207, in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims, and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title.

Sec. 210. Nothing in this title shall be construed to impair in any manner any powers of the President, the Secretary of the Treasury, the Comptroller of the Currency, or the Federal Reserve Board.

Sec. 211. The Comptroller of the Currency is hereby authorized and empowered, with the approval of the Secretary of the Treasury, to prescribe such rules and regulations as he may deem necessary in order to carry out the provisions of this title. Whoever violates any rule or regulation made pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

#### TITLE III

Sec. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock in such amount and with such par value as shall be approved by said comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in.

Sec. 302. (a) The holders of such preferred stock shall be entitled to cumulative dividends at a rate not exceeding 6 per cent per annum, but shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association, and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock. Notwithstanding any other provision of law, the holders of such preferred stock shall have such voting rights, and such stock shall be subject to retirement in such manner and on such terms and conditions as may be provided in the articles of association with the approval of the Comptroller of the Currency.

(b) No dividends shall be declared or paid on common stock until the cumulative dividends on the preferred stock shall have been paid in full; and, if the association is placed in voluntary liquidation or a conservator or a receiver is appointed therefor, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated dividends.

Sec. 303. The term "common stock" as used in this title means stock of national banking associations other than preferred stock issued under the provisions of this title. The term "capital" as used in provisions of law relating to the capital of national banking associations shall mean the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired; and the term "capital stock," as used in section 12 of the act of March 14, 1900, shall mean only the amount of common stock outstanding.

Sec. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank, or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank, or trust company acquired by the corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

#### TITLE IV

Sec. 401. The sixth paragraph of section 18 of the Federal Reserve Act is amended to read as follows:

"Upon the deposit with the Treasurer of the United States (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this act, any Federal Reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, duly registered and numbered."

When such circulating notes are issued against the security of obligations of the United States the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange, and bankers' acceptances acquired under the provisions of this act, the amount thereof shall be equal to not more than 90 percent of the estimated value of such notes, drafts, bills of exchange, and bankers' acceptances so deposited as security. Such notes shall be the obligations of the Federal Reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement, and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 percent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the emergency recognized by the President by proclamation of March 6, 1933, has terminated, unless such circulating notes are secured by deposits of bonds of the United States bearing the circulation privilege. When required to do so by the Secretary of the Treasury, each Federal Reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the Currency, or both, for the performance of any of the functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph. Appropriations available for distinctive paper and printing United States currency or national bank currency are hereby made available for the production of the circulating notes of Federal Reserve banks herein provided; but the United States shall be reimbursed by the Federal Reserve bank to which such notes are issued for all expenses necessarily incurred in connection with the procuring of such notes and all other expenses incidental to their issue, redemption, replacement, retirement, and destruction."

Sec. 402. Section 10 (b) of the Federal Reserve Act, as amended, is further amended to read as follows:

"Sec. 10. (b) In exceptional and exigent circumstances, and when any member bank has no further eligible and acceptable assets available to enable it to obtain adequate credit accommodations through rediscounting at the Federal Reserve bank or any other method provided by this act other than that provided by section 10 (a), any Federal Reserve bank, under rules and regulations prescribed by the Federal Reserve Board may make advances to such member bank on its time or demand notes secured to the satisfaction of such Federal Reserve bank. Each such note shall bear interest at a rate not less than 1 per cent per annum higher than the highest discount rate in effect at such Federal Reserve bank on the date of such note. No advance shall be made under this section after March 3, 1934, or after the expiration of such additional period not exceeding one year as the President may prescribe."

Sec. 403. Section 13 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Subject to such limitations, restrictions, and regulations as the Federal Reserve Board may prescribe, any Federal Reserve bank may make advances to any individual, partnership, or corporation on the promissory notes of such individual, partnership, or corporation secured by direct obligations of the United States. Such advances shall be made for periods not exceeding 90 days and shall bear interest at rates fixed from time to time by the Federal Reserve bank, subject to the review and determination of the Federal Reserve Board."

#### TITLE V

Sec. 501. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000,000, which shall be available for expenditure, under the direction of the President and in his discretion, for any purpose in connection with the carrying out of this act.

Sec. 502. The right to alter, amend, or repeal this act is hereby expressly reserved. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. STEAGALL. Mr. Speaker, in view of the supreme emergency confronting the Congress and the country, it was thought that the House should act upon the legislation before us without the delay incident to the organization of the Committee on Banking and Currency to which the legislation would be referred for consideration under the usual procedure of the House.

Members of the House, including the distinguished leader and the beloved Speaker of the House, and Members of the Senate were called into conference last evening by the Chief Executive of the Nation and thus bill was discussed by him and the request made that the measure be expedited in every possible manner. In response to this request and



sponse to the demands of the hour, we have adopted this unusual method of consideration.

The first provision of the bill validates and maintains the authority exercised by the President of the United States in the proclamation relating to the banks of the Nation issued by the President on March 6, 1933.

Section 2 confers upon the President the powers bestowed under the act of October 6, 1917, regardless of whether or not the country is involved in war.

Section 3 gives authority to regulate transactions in gold and to exercise such powers as are required from time to time to conserve our supply of gold to prevent hoarding and to protect the currency of the United States.

Section 4 confers specific authority to control the banking operations of national banks and State banks that are members of the Federal Reserve System to the end that the public may have restored to them, at the earliest possible hour, such banking facilities as may be afforded by banks that are in position to transact banking activities without restriction.

The Comptroller of the Currency, with the approval of the Secretary of the Treasury, is given authority to appoint conservators to manage the affairs of national and member banks that are not, for the moment, in condition to resume complete operation. The conservator is empowered to do all the things essential to the preservation of the assets of an institution, to the protection of depositors and the public. But no power is given to proceed with final liquidation of the assets of a bank or to exercise completely the powers reposed in receivers of national banks.

State banks are not included in this provision of the bill. We thought it wise, after consideration of the measure, that State banks should not be embodied in legislation to the extent that we have provided for the control of national banks and member banks. The bill leaves State banks to the control of the State banking authorities, to work out their own problems in their own way, aided by some additional credit facilities established by this legislation and by further accommodations through the Reconstruction Finance Corporation.

The bill authorizes the Reconstruction Finance Corporation to subscribe for preferred stock in banks; and, after discussion and deliberation, it was decided—and the bill is so drawn—that State banks and trust companies shall share in the benefits of this provision the same as national banks and member banks of the Federal Reserve System.

So the Reconstruction Finance Corporation is not only authorized, as under existing law, to make loans upon the assets of State banks and National banks that are in distress, but the facilities of the Reconstruction Finance Corporation for accommodation have been enlarged to include loans upon the preferred stock which any bank, State or National, will be permitted to issue, or to subscribe for preferred stock, and assist State banks as well as national banks, in working out the problems with which they are confronted and to assist in reorganization.

I venture to say that this provision of the bill will prove of great advantage to the State banks of the country, over which we have no Federal control, and as to which we have not attempted to set up Federal control and regulation.

We have provided a simpler and broader authority for loans by Federal Reserve banks upon securities and collateral not eligible under the general authority of the Federal Reserve Act. This provision is extended for the period of 1 year, with power conferred upon the President to extend the operation for an additional year.

We have provided that any direct obligations of the United States or any notes, drafts, bills of exchange, or bankers' acceptances acquired by Federal Reserve banks may be deposited with the Treasurer of the United States or with the Federal Reserve agents, and upon these securities Federal Reserve bank notes may be issued. In case of the deposit of the obligations of the Government, the issue of Federal Reserve bank notes may be for the entire amount of such securities.

In the case of the deposit of notes, drafts, bills of exchange, and bankers' acceptances, Federal Reserve bank notes may issue Federal Reserve bank notes to the amount of 90 per cent of the value of such securities.

This provision affords a plan for constructive expansion of the currency of the country. [Applause.]

Mr. McREYNOLDS. To what amount?

Mr. STEAGALL. The amount will be limited by the demands and the exigency of the situation, and, of course, the requirements of applying banks. [Applause.]

I will say to my friend on my right that there can be a greater expansion than the banks of the country demand for the protection of their depositors and for support of trade and commerce in the United States. This depends on bank deposits and bank credit.

Mr. MAY. Will the gentleman yield?

Mr. STEAGALL. I will yield.

Mr. MAY. I understand that banks owning United States bonds can send them to the Federal Reserve bank and have 90 per cent of cash returned.

Mr. STEAGALL. An individual or any State bank may do it and to the amount of the face value of the bonds. That is where we have gone in liberalizing credit and expansion.

My friends, if you ask me if this is going to cure the situation in the United States, I do not say that it will cure all of our ills. If you ask me if this is what I would do in the existing emergency, I answer you that it is not all I would do. It is not all that is going to be done. [Applause.]

This is simply one step. We are building upon wreckage and ruin. It has taken 50 years to develop the great financial system of the United States which is now prostrate and in ruins. We can not rebuild it in a day, we can not rebuild it in 3 days. We cannot rebuild it tomorrow or next week. We can only do it step by step.

Heaven is not reached at a single bound;  
But we build the ladder by which we rise  
From the lowly earth to the vaulted skies  
And we mount to its summit round by round.

The step we take leads upward toward the light. We shall take this step today; we shall take another step tomorrow and then again another and another.

The people have summoned to their service a leader whose face is lifted toward the skies. [Applause.] We follow that leadership today, and we shall follow that leadership until we stand again in the glorious sunlight of prosperity and happiness in this Republic. [Applause.]

Mr. Speaker. I reserve the balance of my time.

Mr. McFADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. Luce).

Mr. LUCE. It is, of course, out of the question, Mr. Speaker, that any man can grasp the full meaning of that bill by listening to its reading, having had no intimation whatever beforehand of what it contains.

I, too, desire to help the administration meet this crisis. Whenever it may be necessary I will waive all opportunities of discussion.

Perhaps it was necessary in this instance to keep us on the minority side who have some acquaintance with this subject in the dark until the bill was produced. I will not intimate that there was intentional refraining from consultation with Members of this House who now for many years have lived with these questions and who ought to know something about them. The majority leaders have brought us a bill on which I myself am unable to advise my colleagues, except to say that this is a case where judgment must be waived, where argument must be silenced, where we should take matters without criticism lest we may do harm by delay. [Applause.]

Let me illustrate the embarrassments that come from lack of information. There is in this bill a provision for preferred stock of banks. Imagine my own situation, confronted by the fact that not 4 hours ago I put into the box there a bill with provision for that very purpose, not having the slightest idea that there had been discussion

of this matter. I do not want to be impatient, I do not want to seem even in the slightest disturbed, but I do think, and I say to my friends of the majority, that if they desire us to go along in these things, if they desire our sympathetic cooperation—we want to give it—let the desired results be accomplished by ways that will not arouse in the breast of any man the thought that he has not had a fair show, the feeling that he has not had opportunity to present his views, the feeling that he has had no chance to pass criticism, possibly helpful.

Let us forget what has happened in this instance, let us not allow it to remain in our minds against anyone. Doubtless the pressure of the situation made quick action imperative. I am not going to protest against it. I am going to ask my Republican friends to accept my own position and not begrudge any help to the President of the United States in this emergency. [Applause.]

There are in this bill some things that if they could have been discussed by the Banking and Currency Committee might have been reshaped, perhaps to the public advantage, but better have it go along as it is, without any attempt at change, without any repining, without any complaint. Let it go now, remembering that this House is to continue in session, at least off and on, for some time; and if it proves that errors have been made in the hasty drafting of the bill, we shall have the opportunity, by law, to make corrections—provided the opportunity is given to us, provided this procedure is not repeated except when absolutely necessary, provided the Committee on Banking and Currency is called together and given more opportunity than it had in the previous session to consider the great problems confronting the Nation, provided these problems are laid before the committee speedily, provided that we there may voice our matured views, express our friendly criticisms, and harmoniously work out together the results that shall be best for the country. [Applause.]

#108 { Mr. McFADDEN. Mr. Speaker, I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is was when it was read from the Clerk's desk. It is an important banking bill. It is a dictatorship over finance in the United States. It is complete control over the banking system in the United States. It seems to me that the casual reading which I have given to the bill indicates clearly that if banks are permitted to open tomorrow morning, only those banks which do open will be permitted to operate. Other banks that do not open tomorrow morning will be opened under a limited receivership or a receivership. It is a protection for the solvent banks of the United States first. Of course it may be that the banking system is in such shape that it is necessary to deal with it in this manner. I have been calling attention for some years past to the manner in which the Federal Reserve System has been conducted, and have predicted that it would lead to this kind of a situation. We have, step by step, been proceeding along the lines of centralization. Attempts in past meetings of this Congress have succeeded in enacting increasingly centralized banking plans. This gives supreme authority to those people who have wanted to control the finances of this Government, through a centralized system, to have such a system. I wish, and I hope for the new administration all success. No one wants the new administration, under the leadership of President Roosevelt, to succeed any more than I do. I shall go as far as any other man to see that success comes to it, but I say now to that leadership that the first thing that must be done is to audit the United States Treasury. [Applause.]

We want to know, the people of the United States want to know, the condition of the Public Treasury and the obligations that are outstanding. We want to know the amount of gold in the United States Treasury, and we want to know the amount of gold in the Federal Reserve System. We want to know the total amount of outstanding Government obligations. This is a time to draw a line, and may I say to you Democrats here that if you do not draw a line through the Treasury operations now and the Federal Reserve opera-

tions, you will be enmeshed in all the things that they have been doing, and they have been doing some things, as I have pointed out heretofore, or we would not be in the condition we are in today. I want to know, so far as I am concerned, that this bill represents the ideas of the new administration—the new deal. I shall help to carry it through if it is that. If, on the other hand, this bill has been proposed and written by the same influences that are responsible for the financial situation, I shall fight it and do everything that I can to defeat it. It seems to me there is authority here to continue the Federal Reserve operations under the same management, and it seems to me I can see much in this bill that can be abused and that may have been dictated by the same banking influences that are responsible for our present predicament. I hope that is not so, but I do want to impress upon this House and upon the administration the importance of going to the bottom of this situation. This situation demands a house cleaning. Confidence in this country will not be restored until the people of the country know the condition of the United States Treasury and the condition of the Federal Reserve banks.

It is difficult under the circumstances to discuss this bill. The first section of the bill, as I grasped it, is practically the war powers that were given back in 1917, with some slight amendments. The other gives supreme authority to the Secretary of the Treasury of the United States to impound all the gold in the United States in the hands of individuals, corporations, or companies for the purpose, I suppose, of bringing together that gold and making it available for the issuance of Federal Reserve notes.

The third section deals with how banks are to be handled under this authority, how bank assets are to be frozen, and deals with the question of limited receiverships and receiverships. The last section of the bill provides for the issuance of a new money. I am a little at a loss, in the hurried way I have had to read the bill, to understand just how this new money is to be handled. I refer to section 401, which reads:

Upon deposit with the Treasurer of the United States of all contract obligations of the United States, or any notes—

And so forth.

Under the Federal Reserve Act obligations that are deposited as the security and gold for reserve notes are placed in the hands of the Federal Reserve agent. I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of Federal Reserve notes to the Treasury of the United States rather than the Federal Reserve agent.

Mr. STEAGALL. This provision is for the issuance of Federal Reserve bank notes; not for Federal Reserve notes; and the security back of it is the obligations, notes, drafts, bills of exchange, bank acceptances, outlined in the section to which the gentleman has referred.

Mr. McFADDEN. Then the new circulation is to be Federal Reserve bank notes and not Federal Reserve notes? Is that true?

Mr. STEAGALL. Insofar as the provisions of this section are concerned, yes.

Mr. McFADDEN. I would like to ask the gentleman right in that connection, is there any gold reserve to be held as security back of these new Federal Reserve bank notes?

Mr. STEAGALL. The law provides 5 percent back of Federal Reserve bank notes, just as is maintained in case of national-bank notes. There have been issued a small amount of these notes; I cannot recall the exact figures. The gentleman is probably more familiar with it than I am. There is only a little of that currency outstanding. This contemplates a substantial addition to it. It is a liberalization of currency issue, to take care of banks in their efforts to respond to the demands of business and liability to their depositors.

Mr. McFADDEN. The current press reports indicate there will be issued under this authority some \$2,000,000 or more of new currency, and made available to the banks. Is that correct?

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Mr. STEAGALL. To be frank with the gentleman, I should not like to be bound in my answer by estimates outlined in newspaper reports. The issue might greatly exceed the amount suggested.

Mr. McFADDEN. Will the gentleman say how much it is possible to be issued or is contemplated to be issued?

Mr. STEAGALL. No one knows. It is not an arbitrary expansion. The purpose is to provide an elastic expansion to meet the exigencies and development of banking and business conditions.

Mr. McFADDEN. I think it is fairly clear from the colloquy that has just taken place that the increased Federal Reserve circulation is to be in the form of Federal Reserve bank notes and not the present Federal Reserve notes that are in circulation to the extent of approximately \$4,000,000,000, which are secured by 60 percent of eligible paper or Government bonds and 40 percent of gold. This is a new issue which is authorized under the Federal Reserve Act, which has not to any great extent been resorted to heretofore.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. McFADDEN. I will.

Mr. BRITTEN. From my observation of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System is not limited. That will depend entirely upon the amount of collateral that is presented from time to time for exchange for bank notes. Is that not correct?

Mr. McFADDEN. Yes. I think that is correct.

Mr. BRITTEN. So that it might run to \$20,000,000,000?

Mr. McFADDEN. In the discretion of the President and the Secretary of the Treasury. These notes are to be secured by assets that are approved, that are turned over by financial institutions to the Treasury of the United States. [Applause.]

Mr. STEAGALL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Mr. Speaker, in time of storm there can only be one pilot. In my judgment, the House of Representatives realize that the pilot in this case must be the President of the United States, and they will steer their course by him. [Applause.]

Mr. Speaker, in my deliberate judgment, under the leadership of the President of the United States, there will shortly be brought from the Committee on Banking and Currency carefully considered legislation insuring the depositors in all banks [applause] and carefully considered legislation which will reflate and stabilize the currency of this country. [Applause.] Mr. Speaker, those two measures, if enacted into law, will speedily give the people of this country such prosperity as we have never had before in all of its history. [Applause on the Democratic side.]

Mr. STEAGALL. Mr. Speaker, I yield the remainder of my time to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Speaker, in order for business to carry on, it is necessary to have a medium of exchange. In this country our medium of exchange is based on currency and on bank credits. For several months some of us have seen the bank-credit situation breaking down and going out of use. The condition in which we find ourselves today is absolutely no surprise to me, and it is no surprise to some of the other gentlemen who have studied the question. The house had to fall upon us to get some of the gentlemen who are responsible for our condition to understand our predicament.

I have hoped, and others have hoped, for a restoration of the currency and of the mediums of exchange in this country—to no avail. We have come to the point where we are willing to endorse in a formal way an Executive fiat on this question; and I want to follow on, because I want the people of this country to have currency and mediums of exchange with which to do business. [Applause.]

Mr. STEAGALL. Mr. Speaker, I move the previous question on the passage of the bill.

The SPEAKER. Under the unanimous-consent agreement the previous question is considered as ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. STEAGALL, a motion to reconsider a vote by which the bill was passed was laid on the table.

#### EXTENSION OF REMARKS—H.R. 21

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their own remarks upon this bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### CURRENCY EXPANSION—PRESIDENT'S MOVE DRAMATIC AND INSPIRING

Mr. RANKIN. Mr. Speaker, for 3 years I have been pleading for a controlled expansion of the currency to raise commodity prices and restore the purchasing power of the American people. Other Members of the House and Senate have joined me in the fight, but up to this day our efforts have been in vain.

Those influences and individuals most responsible for the direful conditions through which we are now passing have resisted us at every point. We have been ridiculed and abused by the very money changers whose misconduct produced this terrible panic, with all its misery, its poverty, its hunger, its human suffering and human distress. "Whatsoever man soweth, that shall he also reap." The very one who sowed the seeds of this panic are now reaping the fruit of their own misconduct as they see their monetary Tower of Babel crash amid a confusion of tongues.

We are in the bottom of the pit. Every direction is uphill. The gentleman from Illinois [Mr. BRITTEN] intimated a while ago that this bill might result in unlimited expansion or inflation. My answer to that statement is that conditions cannot be made worse, from an economic standpoint, than they are today.

Besides, this bill does not provide for an unlimited expansion. It provides for a controlled expansion. Every dollar of this new money will be worth 100 cents; and if issued in a sufficient amount, the result will be an immediate advance in the prices of wheat, cotton, corn, land, and other commodities.

It is the beginning of a new day—a turning point in the economic affairs of the American people, if not of the entire world. This bill will be followed by one providing permanent legislation on this subject; and if we will incorporate in that permanent legislation the provision laid down in the bill which I have been advocating and which I have reintroduced today—to expand the currency until the general commodity-price index as worked out by the United States Department of Labor reaches 100, and then providing for a retrenchment in case the commodity index rises above 103, and also for reexpansion in case the commodity index sinks below 97—if these provisions are written into the permanent legislation, this expansion will raise the commodity prices back to what they were in 1926, stabilize them there, and prevent those violent fluctuations in prices that have always proved disastrous to the farmers, the home owners, the small investors, and the masses of our people generally.

The American people are looking today to our new President to lead us out of the economic chaos in which we find ourselves. This is the most dramatic and inspiring move ever taken by a President of the United States in times of peace. If it is followed up by permanent legislation that will give us a controlled expansion of the currency, and an assurance of the safety of bank deposits, our country will immediately awake, as it were, from its nightmare of agony and leap forward into a glorious era of happiness and prosperity.

H.R. 21, A BILL TO REDUCE THE GOLD CONTENT OF THE GOLD DOLLAR

Mr. MCGUGIN. Mr. Speaker, I have introduced H.R. 21. I wish to make a brief statement pertaining to this bill. In doing so I shall use the statement I gave to the press

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when I filed this bill with the bill clerk, Tuesday, March 7, 1933.

There is not any question but that sooner or later the gold dollar is going to be revalued with a reduction of the gold content. The only question involved is whether we are going to reduce the gold content in an orderly way or a disorderly way. The orderly way to do it is honestly, fearlessly, and frankly to reduce the content a given amount. The disorderly way is to break loose and start printing currency without any regard for the gold reserve.

The bill which I am introducing in the House and which, I understand, Senator CONNALLY will introduce in the Senate, provides for an outright reduction of one third in the gold content of the dollar. This is following the orderly course.

We now have approximately \$4,000,000,000 of gold in the Treasury and Federal Reserve, based upon gold dollars of 23.22 grains of gold each. With this reduction of one third in the gold content, we shall have approximately \$6,000,000,000 of gold in the Treasury and Federal Reserve. This additional \$2,000,000,000 in gold will permit an additional issuance of from two to five billion dollars in currency. Based upon the established ratio of \$1 of currency for 40 cents' worth of gold, these additional \$2,000,000,000 obtained by reducing the gold content one third will permit additional currency in the amount of \$5,000,000,000.

#107 { If we start out printing currency without regard for the gold reserve, then in the end, when we find that excessive inflation destroys the country and the people, we shall try to get back to the gold standard. Then we shall find that we have so much currency outstanding that we cannot tie it to our limited supply of gold except by reducing the content of the gold dollar in proportion to the increased amount of currency. That may mean that we shall have to decrease the gold content 50 percent, maybe 75 percent, and maybe 90 percent. It will all depend upon how far we carry the inflation during the period that our currency is not tied to gold. It may be that we shall do as Germany did by going so far that there is no possibility of tying all of our outstanding currency to gold, and we shall be obliged to repudiate and cancel some of our currency.

Now we are going to have some inflation or more currency. It does not make any difference whether every Member of Congress, the President, and everyone in the United States is opposed to any inflation, we can not stop the inevitable. The Government has for 3 years been spending more money than it has taken in by taxation. It has been meeting this deficit by borrowing money from the banks. That day is over. The banks are closed. Now the problem is, how is the Government going to get the banks open and keep them open, and not how are the banks going to provide credit for the Government?

107 { The interest rate of the Government on short-term loans increased from one eighth of 1 percent last December to 4.26 percent last week. This means that the interest rate of the Government has increased thirty-four times, or 3,400 percent during a period of 3 months. Whenever institutions or individuals find their interest rates increasing at such a proportion in such a short length of time, one of two things is certain: either their credit is gone or their source of credit is gone. In plain English, the credit of the United States has either been absorbed or else its source of credit is gone. Anyone knows that this Government cannot now collect enough taxes to meet its present expenses. Whenever governments reach the position where they can neither collect enough taxes to meet their expenses nor borrow enough to meet their expenses, there is only one thing left for them, and that is to print money. Such is the position of the United States, and, whether we like it or not, there is going to be some inflation in order to meet the obligations of the Government. The question is, Are we going to have inflation tied to gold or not? This bill will permit inflation tied to gold, and that will mean some control. There is nothing new about this bill. It is the Burtress bill which has been before Congress for 4 or 5 years. A people

satisfied with a false security and led by a financial leadership steeped in selfishness and blind to shadows casting present events would have none of it. The Burtress bill, passed a year or more ago, would have saved us from much of our present trouble.

The welfare of the Government needs this or some other similar legislation. In addition to our governmental financial troubles, the debts, private and public, in this country cannot be paid on the basis of gold dollars of 23.22 grains.

#### THE BANKING EMERGENCY RELIEF ACT

Mr. SMITH of Washington. Mr. Speaker, ladies and gentlemen of the House, I shall vote for this measure, although I should like to have had an opportunity to study and consider its provisions. It has not been possible to do this owing to the fact that the bill has merely been read to us by the Clerk this afternoon on the opening day of this special session, without our being furnished copies thereof, and the bill not being subject to amendment and only 40 minutes allowed for debate. This is a most extraordinary situation.

However, we are advised by President Roosevelt in his message which has just been read that the immediate passage of this legislation is absolutely necessary in order to reopen the banks in the Nation and provide them with additional and adequate currency. We are further informed by our distinguished majority leader (Mr. BYRNS) that the Senate is now awaiting the action of the House on this particular bill, and that in order to reopen the banks of the country on tomorrow it must be enacted into law today. I shall, therefore, vote for the bill, Mr. Speaker, because of these assurances of our great President and our able leaders in this body.

However, if time and opportunity had been afforded to do so, I believe that this legislation should have been amended or rewritten to include the State banks scattered throughout the land, which in many communities constitute the sole banking facilities enjoyed by the people.

I hope that the additional currency which may be issued by the national banks under this act will render available the credit and funds so sorely needed by the business and industrial interests of our country, in order that there may be a resumption of operations and employment for the people. If the new currency is not placed in circulation, this legislation, my colleagues, will fail of its purpose, which should be to aid the people rather than the banks.

Mr. Speaker, we must have a Federal guaranty of bank deposits law, so that the savings of our citizens and the money of our merchants and business men in all the communities of our land will be safe and secure. Not until such a Federal statute is passed and in force will complete confidence in our banking system be restored; nor the funds of the American people placed on deposit in the banks and enable the bankers to make loans to finance the transactions of business and industry in this country.

HOW THE GOVERNMENT CAN SAVE AT LEAST \$100,000,000 ANNUALLY—AND MAKE BANKS SAFE

Mr. PATMAN. Mr. Speaker, Thursday, March 9, Congress was convened in extraordinary session; it is the first session of the Seventy-third Congress. The President submitted a bill which was intended to assist in the opening of all the banks in the Nation. Although it was contrary to many of the principles that I have advocated for many years, it contained provisions I do not approve and failed to go far enough in other ways. I yielded and voted for the bill; it was an emergency measure and should have been passed immediately. The proposal embodied one feature that I have advocated for a long time, and that was the issuance of additional circulating medium. The banks of the Nation have inflated credit out of proportion to the amount of actual money. The result is the banks have become indebted to their depositors to the extent of \$45,000,000,000 and have in their vaults less than \$1,000,000,000 to pay it with. The new law will cause the printing presses at the Bureau of Engraving and Printing here in Washington to print more money and furnish it to the banks. (One day this week this Bureau

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printed and delivered more than \$30,000,000, running both day and night. Similar sums are now being printed and delivered daily.

#### EXPANSION OF CURRENCY NECESSARY

If the Republican Party had released itself from the clutches of Wall Street and expanded the currency immediately after the stock-market crash in 1929 or within a year after the crash, our people would have been saved from this awful money panic. Our President will doubtless ask amendments to this new law when conditions are more normal and when it is better understood. Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's acceptances. The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation.

#### NO GOLD COVERAGE

The money so issued will not have one penny of gold coverage behind it, because it is really not needed. We do not need gold to back our internal currency. We only need gold to settle our balances with foreign countries. Our people do not actually use gold as a medium of exchange; paper money is just as good and is much easier to handle. However, if gold is desired as a backing for paper money, we have a sufficient amount to permit the issuance of \$5,000,000,000 more money and still have a gold reserve of 40 percent. When England paid us approximately \$100,000,000 in gold last December the Treasury should have taken that gold and issued \$250,000,000 in paper money, using the gold as a sufficient coverage of 40 percent, and the money should have been put into circulation by paying it to Government employees or other governmental debts. Instead, the gold was delivered to the private banks and the Government given credit for the amount. The banks used a part of it as a base to issue considerable money, which they loaned to their customers, and the remainder, which was the most of it, was sold back to England by the bankers.

#### DRIVE AGAINST GOLD HOARDERS

The gold that is given up by the people in the present crisis should be delivered to the Government. It should be used to issue additional money upon which the people will not have to pay interest while it is in circulation.

#### PRESENT SATISFACTION

Those of us who have worked for 3 years trying to get the currency expanded have the consolation of knowing that our plan has been adopted. I do not believe that the expansion is being made in a manner that will permit the most good. However, the same kind of money is being issued that we have advocated should be issued. It is sound money, although not as well secured as the money we proposed to issue.

#### DISTRIBUTION OF NEW MONEY

Since our leaders have endorsed the plan to issue more money, consideration should be given to plans for its distribution that will best promote the general welfare.

It could be paid to Federal employees. It could be used to retire a part of the national debt and save a considerable sum in interest each year. At the present time our entire national debt of \$20,000,000,000 could be retired with new money without placing too much money in circulation and the Government saved more than \$700,000,000 annually.

#### SAVE \$700,000,000 ANNUALLY

Instead of the banks being permitted to loan \$45,000,000,000 with a reserve of from one to three billion dollars to back it up, they should be denied that privilege and a much greater money reserve required of them. Then, instead of the banks having so little money to pay their depositors, they could have 40 or 50 cents in actual money to back up every dollar in deposits. We would then have safe banking, and the Government would not owe a penny of national debt. Further, our Government would be saved the \$700,000,000 that is now being paid annually as interest on the

national debt. That would help balance the Budget; it would take tax-exempt securities out of the way and cause more income taxes to be paid to the Government and less tax-dodging by the big rich.

#### OPPOSITION TO CONCENTRATION OF MONEY AND CREDIT CONTROL IN THE HANDS OF A FEW GREAT INTERNATIONAL BANKING CONCERNS

Mr. LUNDEEN. Mr. Speaker, today the Chief Executive sent to this House of Representatives a banking bill for immediate enactment. The author of this bill seems to be unknown. No one has told us who drafted the bill. There appears to be a printed copy at the Speaker's desk, but no printed copies are available for the House Members. The bill has been driven through the House with cyclonic speed after 40 minutes' debate, 20 minutes for the minority and 20 minutes for the majority.

I have demanded a roll call, but have been unable to get the attention of the Chair. Others have done the same, notably Congressman SINCLAIR, of North Dakota, and Congressman BILL LUCKE, of North Dakota, as well as some of our other Farmer-Labor Members. Fifteen men were standing, demanding a roll call, but that number is not sufficient; we therefore have the spectacle of the great House of Representatives of the United States of America passing, after a 40-minute debate, a bill its Members never read and never saw, a bill whose author is unknown. The great majority of the Members have been unable to get a minute's time to discuss this bill; we have been refused a roll call; and we have been refused recognition by the Chair. I do not mean to say that the Speaker of the House of Representatives intended to ignore us, but everything was in such a turmoil and there was so much excitement that we simply were not recognized.

I want to put myself on record against a procedure of this kind and against the use of such methods in passing legislation affecting millions of lives and billions of dollars. It seems to me that under this bill thousands of small banks will be crushed and wiped out of existence, and that money and credit control will be still further concentrated in the hands of those who now hold the power.

It is safe to say that in normal times, after careful study of a printed copy and after careful debate and consideration, this bill would never have passed this House or any other House. Its passage could be accomplished only by rapid procedure, hurried and hectic debate, and a general rush for voting without roll call.

I believe in the House of Representatives. I believe in the power that was given us by the people. I believe that Congress is the greatest and most powerful body in America, and I believe that the people have vested in Congress their ultimate and final power in every great, vital question, and the Constitution bears me out in that.

I am suspicious of this railroading of bills through our House of Representatives, and I refuse to vote for a measure unseen and unknown.

I want the RECORD to show that I was, and am, against this bill and this method of procedure; and I believe no good will come out of it for America. We must not abdicate our power to exercise judgment. We must not allow ourselves to be swept off our feet by hysteria, and we must not let the power of the Executive paralyze our legislative action. If we do, it would be better for us to resign and go home—and save the people the salary they are paying us.

I look forward to that day when we shall read the bill we are considering, and see the author of the bill stand before the House and explain it; and then, after calm deliberation and sober judgment—after full and free debate—I hope to see sane and sensible legislation passed which will lift America out of this panic and disaster into which we were plunged by the World War.

#### RULES OF THE HOUSE

Mr. POUL. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

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73d CONGRESS  
1st Session

SENATE

DOCUMENT  
No. 43

## CONTRACTS PAYABLE IN GOLD

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AN ARTICLE ENTITLED  
"CONTRACTS PAYABLE IN GOLD", BY GEORGE  
CYRUS THORPE, SHOWING THE LEGAL  
EFFECT OF AGREEMENTS TO  
PAY IN GOLD





## CONTRACTS PAYABLE IN GOLD

By GEORGE C. THORPE, Washington, D.C.

### SENATE RESOLUTION NO. 62

Submitted by Mr. SHIPSTEAD

IN THE SENATE OF THE UNITED STATES,  
April 17 (calendar day, April 24), 1933.

Resolved, That the manuscript entitled "Contracts Payable in Gold", by George Cyrus Thorpe, showing the legal effect of agreements to pay in gold, be printed as a Senate document.

Attest.

EDWIN A. HALENT,  
Secretary.

Holders of commercial paper and parties to contracts, involving billions of dollars, stipulating for payment in dollars in gold, or "in American gold coin" or "in gold coin of the United States of or equal to the standard of weight and fineness existing" on a certain date, or "in gold and silver coin, lawful money of the United States", etc., are interested in the legal import of the qualifying phrases, in the face of present suspension of gold payments and the possibility of a depreciated currency.

In a recent English case, Mr. Justice Farwell, in chancery, has held, under a bond providing for payment of "the sum of 100 pounds sterling in gold coin of the United Kingdom of or equal to the standard weight and fineness existing" on the date of the bond, there was an obligation to pay 100 pounds in gold currency, satisfied by tendering 100 pounds in any form that was legal tender in England. (In *Societe Intercommunale Belge d'Electricite*.)

A similar conclusion was reached in many American cases in State courts when their jurisdiction first was invoked to give effect to the effort of business men to avoid loss through compulsory acceptance of a tender of depreciated currency in payment of debts incurred for a gold consideration, in the era of the "greenbacks."

The laws of the United States recognize two kinds of money, namely coin and paper. The term "dollars in specie" means gold or silver coined dollars. "Dollars in currency" means dollars in notes or any paper money current in the community. (*Trebilcock v. Wilson* (1872) 12 Wall. 687, 20 L. Ed. 460.)

A Missouri contract of June 17, 1862, to pay "in the current gold coin of the United States, in full tale and count, without regard to any legal tender that may be established or declared by any law of Congress" was held satisfied by payment in the nominal value in any legal tender money. The court said that it was not a contract to be paid in bullion, or in so many pounds or ounces of gold, but in a certain number of dollars, in coin. The transaction did not regard gold as a commodity but as money. The Legal Tender Act had made Treasury notes of like value with gold. As a legal medium there could be no distinction between notes and gold. The theory of the suit brought on contracts payable in specific chattels is that the court's judgment is not for payment in articles in kind, but for the damages resulting to the creditor in consequence of breach of contract, and this judgment can be paid off and satisfied in whatever money the law has clothed with the attributes of legal tender. Although it was a notorious fact that for purposes of trade and in commercial transactions a difference was made between Treasury notes

and coin, whatever fluctuations might arise from extraneous causes, the debtor's right to pay in whatever medium he chooses could not be affected. In administering the law, it was necessary that gold and Treasury notes should be considered equal. (*Appel v. Woltmann* (1860) 38 Mo. 194.) A note payable "in gold" was held enforceable only for the face value of the note payable in any lawful money, and a judgment for a premium on gold in addition was declared invalid. (*Henderson v. McPike* (1864) 35 Mo. 255.)

A ground rent payable in "lawful silver money of the United States of America" was satisfied in Pennsylvania by payment of Treasury notes of the issue of February 25, 1862, the court saying that the addition of the word "silver" was merely descriptive of the "lawful money" and bound neither party. It meant simply a kind of lawful money in which the tender could be made, not a prohibition of other forms of money. It was declared that no party could exact, and no party consent to, a stipulation impugning the power of the law-making branch of the Government. (*Shollenberger v. Brinton* (1866) 52 Pa. St. 9.)

In another Pennsylvania case, the defendant promised to pay a certain number of dollars, "silver money of the United States, each dollar weighing 17 pennyweights and 6 grains at least." Upon the plaintiff's demand for a certain amount due in 1863, the defendant tendered Treasury notes of the issues of February 25, 1862, and July 11, 1862. The plea of tender "in lawful money of the United States" was sustained. (*Mervine v. Sailor* (1866) 52 Pa. St. 9.)

The decision was the same way in another action in Pennsylvania on a promissory note wherein there was a promise to pay a certain number of dollars "in gold, without defalcation", and the plaintiff demanded gold, or if the defendant had not the gold, that he would accept United States legal-tender notes, adding the premium on gold, 33 percent. (*Laughlin v. Harvey* (1866) 52 Pa. St. 9, 30.)

In the same State, plaintiffs had deposited gold in the defendant's bank and received a certificate as follows:

— has deposited in this office — dollars, gold, payable to the order of herself on surrender of this certificate, in like funds, with interest.

On demand for gold, the defendants offered legal tender notes, which was held sufficient. (*Sanford v. Hays* (1866) 52 Pa. St. 9, 26.)

In a Pennsylvania action in assumpsit on a bank's promise to pay \$14,145, the paper bearing on its margin "\$14,145 specie", it was admitted that the consideration was gold and that "specie" meant payable in coin, gold or silver. A tender of legal tender notes was held good. (*Graham v. Marshall* (1866) 52 Pa. St. 9, 28.)

In assumpsit for money had and received, gold having been pledged as security, it was held that the damages should not include any premium on gold, and that, even if the action was in the form of trover only the value at the time of conversion could be allowed as damages. (*Frothingham v. Morse* (1864) 45 N.H. 545.)

In New York, the words "in specie, gold, and silver coin" were held not to effect the right to discharge an obligation, for the payment of a certain number of dollars, by paying in legal tender notes. (*Murray v. Harrison* (1867) 47 Barb. 484, affirmed (1868) 52 Barb. 427.) So also a bill of exchange payable "in specie or its equivalent" could be paid in legal tender notes called "greenbacks." (*Jones v. Smith* (1867) 48 Barb. 552.)

In an Indiana case, a contract for payment in gold also held that if paid in paper the amount thereof necessary to purchase the gold at the place of payment would be required. In sustaining a tender in paper money in the nominal amount of the debt the court said that when Treasury notes were made legal tender in payment of debts they were made the equivalent of coin as means of payment in all but the cases excepted by the law. "This, and this only, is meant by making them legal tender." For that purpose a Treasury note dollar could accomplish all that a gold coin dollar could accomplish, for by the law the latter would pay no more than \$1 of indebtedness. The court could not know that its judgment would be paid in paper. There could be no warrant for a judicial assumption that the judgment debtor would discharge the judgment by payment in paper. Gold coin might be used. The court could not know that paper money would not be withdrawn from circulation before satisfaction of the judgment. (*Brown v. Welch* (1866) 116 Ind. 117.)

In Texas, a note made payable "in gold" was held dischargeable by the payment of legal tender notes; judgment on such a note could not be rendered for specie. (*Shaw v. Transler* (1867) 30 Tex. 390.)

In the same State, the word "specie" in a judgment in an action on contract providing for payment of \$500 in specie, or \$894 in United States currency, was held surplusage that could be struck out on appeal. (*Flournoy v. Healy* (1869) 31 Tex. 590.)

But the Supreme Judicial Court of Massachusetts was reversed in entering judgment for an amount in Treasury notes, equal in market value to the amount of coined gold reserved as rent in a lease wherein the contract provided for a yearly rent of 4 ounces 2 pennyweights and 12 grains of pure gold in coined money, the Supreme Court of the United States saying that the contract was for the payment or delivery of a specified weight of pure gold, solvable in coined money, and the judgment should have been entered for coined dollars and parts of dollars, instead of Treasury notes equivalent in market value to the value in coined money in the stipulated weight of pure gold. (*Dewing v. Sears* (1871) 11 Wall. 370, 20 L.Ed. 189.)

Earlier, but after the passage of the Legal Tender Acts, the Supreme Court had sustained the proposition that express contracts to pay coined dollars could be satisfied only by the payment of coined dollars, and that such contracts were not "debts" which could be satisfied by the tender of Treasury notes. (*Bronson v. Rodes* (1869) 7 Wall. 229, 10 L.Ed. 141.)

Our highest court said in another case that when it appears to be the clear intent of a contract that payment or satisfaction shall be made in gold and silver, damages should be assessed at the sum agreed to be due, in gold and silver coin, and judgment should be entered in coin for that amount. (*Butler v. Horwitz* (1869) 7 Wall. 258, 10 L.Ed. 149.)

*Bronson v. Rodes*, supra, became the leading case, followed by later decisions in State courts. But before that precedent there were decisions in State courts which enforced the qualifying phrase.

Thus under a contract to return gold, the promisor was held bound to return the things specified, as he would be bound to return a specific quantity of any other certain commodity. The court's view was that "paper promises" having been substituted for a national money consisting of gold and silver coins, those metals had disappeared as

current money and no longer possessed the functions of national instruments of exchange, becoming merely articles of commerce having the same characteristics and being liable to the same legal disposition as other articles of commerce when subject matter of contracts. (*Bank of Commonwealth v. Van Vleck* (1807) 49 Barb. 508.)

And a stipulation to pay rent "in American gold coin" could not be discharged by payment in legal tender notes of a nominally equal amount with the gold promised, unless it should happen that the notes were at par with American gold in the market. (*Myers v. Kaufman* (1868) 37 Ga. 600, 95 Amer. Dec. 367.)

A note given in August 1863 providing—

Six months after date, without grace, for value received, I promise to pay in the order of A the sum of \_\_\_\_\_ dollars in gold coin of the standard value of 1800 of the United States of America, with interest at \_\_\_\_\_. And if said principal and interest is not paid in gold coin, as above stated, then, for value received, I promise to pay to the order of said A, in addition thereto, and as damages, such further amount and percentage as may be equal to the difference in value at \_\_\_\_\_ market between such gold coin and paper evidence of indebtedness of the States or of the United States that are or may be hereafter made a legal tender in payment of debts by the laws of this State or of the United States.

It was construed as manifesting a first intention of the payee to secure a payment in gold if such payment could be enforced lawfully; and, secondly, if that could not be done, payment in legal tender notes at their value (at the place stated in the note) when converted into gold. (*Lane v. Gluckauf* (1866) 28 Cal. 288, 87 Amer. Dec. 121.)

The plaintiffs, depositors in defendants' bank, alleged a banking custom in the District of Columbia of receiving gold and silver coin and money currency to be returned in kind, separate entries being kept as to the classes of money deposited, and balances maintained as to those classes; in February 1864, having a balance in coin, they drew checks for coin which the defendants refused to pay in coin; that coin at that time was worth \$1.57 in Treasury notes. Plaintiffs sought compensation in damages for injuries resulting by the defendants' refusal to pay the checks. Defendants plead: (1) That they did not promise as alleged, and (2) that, upon presentation of the checks, they offered to pay in Treasury notes made legal tender in payment of debts by the act of February 25, 1862.

The trial court excluded testimony offered to prove the alleged custom as to the difference in receiving and paying deposits in coin and paper money, and instructed the jury:

If the jury find from the evidence that the defendants were bankers in 1862 and 1864 and that the coin mentioned in the declaration was deposited with said defendants as bankers, to be paid in coin, said deposit created a debt from the defendants to the plaintiffs which could be discharged by payment or offer to pay the same in legal tender notes; and if the jury further find that said tender was made, the plaintiffs are not entitled to recover."

In affirming judgment for the defendants, the Supreme Court held that the clear inference from the whole testimony was that the deposits were made without condition or special agreement of any kind, and that in such cases the law was well settled that the depositor parts with title to his money and loans it to the bank, and the transaction is not affected by the character of the money in which the deposit is made. The bank becomes liable for the amount of the debt, which can be discharged by such money payment as is by law a legal tender. (*Thompson v. Riggs* (1867), 5 Wall. 663, 18 L. Ed. 704.)

However, the court also said that contracts between a bank and its customers doubtless are required to be performed, and must be construed in the same way as contracts between other parties.

When the banker specially agrees to pay in bullion or in coin he must do so or answer in damages for its value; and so if one agrees to pay in depreciated paper the lender of that paper is a good tender, and in default of payment the promisee can recover only its market value and not its nominal value. (Same case.)

All of these American decisions were rendered long before the enactment of the Parity Act of 1900, providing that—

"The dollar, consisting of 25.8 grains of gold nine-tenths fine shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

This has not been repealed. Other existing statutes provide:

(1) The gold coins of the United States shall be legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be legal tender at valuation in proportion to their actual weight. (U.S. sec. 3585.)

(2) Silver dollars coined under the act of February 28, 1878, together with all silver dollars coined by the United States of like weight and fineness prior to the date of such act shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. But nothing in this section shall be construed to authorize the payment in silver of certificates of deposit issued by the Secretary of the Treasury for deposits of gold bullion. (Act Feb. 28, 1878, c. 20, sec. 1, 20 Stat. 25.)

(3) The silver coins of the United States in existence June 9, 1870, of smaller denominations than \$1 shall be a legal tender in all sums not exceeding \$10 in the payment of all dues, public and private. (Act June 9, 1870, c. 12, sec. 3, 16 Stat. 8.)

(4) The minor coins of the United States shall be a legal tender, at their nominal value, for any amount not exceeding 25 cents in any one payment. (U.S. sec. 3587.)

(5) Various commemorative silver and gold coins (50-cent piece, gold dollar and gold \$2.50 pieces), coined at the mints of the United States under authority of law, are a legal tender in any payment to the amount of their face value. (Various statutes compiled in section 461 of title 31 of the U.S. Code.)

(6) Gold certificates of the United States payable to bearer on demand shall be a legal tender in payment of all debts and dues, public and private. (Act Dec. 14, 1819, c. 15, sec. 1, 41 Stat. 370.)

(7) United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt. (U.S. sec. 3588, derived from statutes passed in 1862 and 1863.)

(8) Demand Treasury notes authorized by the act of July 17, 1861, chapter 5, and the act of February 12, 1862, chapter 20, shall be lawful money and a legal tender in like manner as United States notes. (U.S. sec. 3589, derived from acts of 1861 and 1862.)

(9) Treasury notes issued under the act of July 14, 1890, chapter 708, shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract. (Act July 14, 1890, c. 708, sec. 2, 26 Stat. 537.)

(10) Treasury notes issued under the authority of the acts of March 3, 1863, chapter 71, and June 30, 1864, chapter 172, shall be a legal tender to the same extent as United States notes, for their face value, excluding interest: Provided, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money. (U.S. 3590, derived from acts of the dates stated in this section.)

Nothing in the legislation subsequent to the decision in *Thompson v. Riggs*, supra, which would require a different decision as

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In forming its opinion on the meaning of that phrase, the court found it "necessary to look into the statutes regulating coinage". After reviewing such statutes as it deemed pertinent to the inquiry concerning the import of the quoted phrase, it concluded that the contract for payment in gold should be enforced. The assertions in the court's opinion that: (a) Gold and silver coins are legal tender in all payments; (b) there are two descriptions of money in use, authorized by law, and both made legal tender in payments; and (c) the statute denomination of both descriptions is dollars, but they are essentially unlike in nature, the coined dollar being a piece of gold or silver of a prescribed degree of purity and weighing a prescribed number of grains, and the note dollar being a promise to pay a coined dollar though not a promise to pay on demand or at any fixed time, or, in fact, convertible into a coined dollar, are equally true at the present time, within the letter of the above-quoted statutes relating to legal tender, without regard to the parity act.

Does the parity act, quoted above, make specie and currency equivalent if in fact one or the other should become depreciated in actual market value?

The court said, that case, that it was "impossible, in the nature of things, that these two dollars should be actual equivalents of each other", and that there was nothing in the Currency Act "purporting to make them such." How far they were from being actual equivalents had been stated earlier in the opinion, i.e., \$1 in coin equivalent to \$2.25 in United States notes.

Under similar circumstances in the future the court still could say, "It is impossible, in the nature of things, that these two dollars should be actual equivalents of each other"; but could it say that there is nothing in the currency laws "purporting to make them such", in view of the parity act?

The parity act does not declare that all forms of money issued or coined by the United States are at a parity of value with the standard gold dollar, for that would be declaring to be a fact that which is not, or may not be, the fact, or cannot be the permanent fact. Value is purchasing power and that in turn implies varying degrees of willingness of holders of consumable commodities to exchange them for money. If both coin and currency are in circulation, the holder of a commodity desired by different groups of persons, one group possessing specie and the other group currency, will surrender in exchange for money a larger quantity or a better quality of the commodity for, say, specie, than for currency, of equal nominal amounts. No law declaring parity can achieve actual equal acceptability, or purchasing power. And so the parity act, in declaring that "all forms of money issued or coined by the United States shall be maintained at a parity of value with" the standard gold dollar, might be construed as the declaration of a policy or a mission, and the concluding clause, "it shall be the duty of the Secretary of the Treasury to maintain such parity", as the definition of a duty.

When gold is unobtainable and currency in circulation, can it be said that specie and currency are at a parity? When both specie and currency are in circulation in such proportions that the citizens much prefer specie and actually will pay a premium therefor, can it

be said that these two kinds of money are at a parity of value standard gold dollar? If the Parity Act can be said to purport to make the two kinds of money actual equivalents of each other, but if as an actuality the two kinds of dollars are not, or may not be, equivalents, will the Supreme Court's judgment be the same, as before the passage of the Parity Act, if called upon to construe the legal import of promises to pay in specie? May it not again refuse to "suppose that it was intended by the provisions of the Currency Act" and the Parity Act of 1900, "to enforce satisfaction" of a contract to pay in coin "by the tender of depreciated currency of any description equivalent only in nominal amount to the real value of the bullion or of the coined dollars", as in *Bronson v. Rodes*, supra?

Or shall we hear that the Parity Act is the declaration of something which must be accepted as fact, even though that be contrary to the operation of economic laws?

The power to issue currency is not specifically given in the Constitution, the express authority to "emit bills" originally in the "Resolutions" before the Constitutional Convention having been stricken out on motion after considerable debate. Daniel Webster said in the Senate in 1836 that although no express prohibition from making anything but gold and silver a tender in the payment of debts is applied to Congress, yet as Congress has no power granted to it in that respect but to coin money and regulate its value and that of foreign coin, it clearly has no power to substitute paper or anything else for coin as a tender in payment of debts and discharge of contracts. (Webster's Works, vol. 4, p. 271.) For the first 70 years of this Government's existence there was no national currency, all transactions of the Government having been in gold and silver coin. Paper currency used in private transactions consisted almost entirely of bank notes issued by numerous independent corporations variously organized under State legislation, of various degrees of credit and very unequal resources, administered often with great and not infrequently with little skill, prudence, and integrity. National laws prohibiting the receipt or disbursement of anything except gold and silver in the transactions of the Government and State laws requiring the exemption of bank notes in coin on demand prevented the disappearance of gold and silver from circulation. (See *Veazie Bank v. Fenno* (1869) 8 Wall. 533, 19 L. Ed. 482.) As a matter of history, paper money in the shape of bills of credit was issued by the Colony of Massachusetts about 1690 to pay the Army returning unexpectedly from a disastrous expedition against Canada. All the Colonies, at various times, followed this example. Sometimes these bills were made legal tender in the payment of all debts. Some bills were receivable in all payments of taxes and dues to the Government. Some were nominally payable in specie. Generally a certain fund was pledged for their redemption. But some were issued on the mere credit of the issuing Government.

Although the power to issue currency was not expressly given to Congress by the Constitution, Congress has found the power implied and has called it into full activity since 1861 in undertaking to supply a national currency for the entire country. It has made currency receivable in payment of debts to itself; has provided for its redemption and its uniformity in description and value. (See *Veazie Bank v. Fenno*, supra.) To the enumeration of the powers of Congress is

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for carrying the enumerated powers into execution, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. (United States Constitution, art. 1, sec. 8, cl. 18.) The "sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in a manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." (*McCulloch v. State of Maryland* (1819) 4 Wheat. 316, 4 L. Ed. 579.)

So Congress has the implied power to issue currency and to provide for uniformity in description and value of its currency, as well as the express power to coin money and regulate the value thereof; but do those powers include the power to make the coined money, the value of which it can regulate, the exact equivalent of its currency, for the uniformity in description and value of which it can "provide"? Is this third power implied as "necessary" within the doctrine of *McCulloch v. Maryland*?

The regulation of the value of coined money consists in fixing the classes of coins that shall be issued and a standard of measurement of specie. Similarly, it is possible to classify bills or notes issued or to be issued and to declare the Government's promises as to their redemption and their receivability by itself in governmental transactions or in the payment of debts. For some 70 years of the Government's existence Congress acted under only one of those powers—that of coining money and regulating its value. Then it acted upon the other power—that relating to currency. The exercise of these different powers resulted in two kinds of national "money": (See *Bronson v. Rhodes*, supra). But they did not produce two kinds of money of equal value—equal acceptability, equal purchasing power. Between 1862 and 1866 the premium on gold rose and fell from 30 to 160 percent. (See *Shollenberger v. Brinton* (1866), 52 Pa. St. 9, 11.) If "money" is the medium for effecting exchanges and is a measure of value, when the law made both species and currency legal tender, without actual equal purchasing power, gold became a mere commodity or article of commerce (see *Bank of Commonwealth v. Van Vleet*, supra) since it had inherent value as a metal, while currency had no inherent value, only conceptional value as ideal money. But a uniform medium of exchange is essential to the commerce and prosperity of every civilized and commercial people. Money as such is of value, or is in demand, not because it is more valuable than the quantity of property it will purchase, but because it readily can be exchanged for any article. (See *Brown v. Welch*, supra.) The existence of two kinds of money, lacking uniformity of exchangeability, created an impossible situation, or, at least, a situation which tended to nullify the purpose of the legal tender laws. Obviously, some law was necessary to integrate the currency and legal tender laws.

The enumerated power from which the power to pass such a law as the parity act may be thought to be implied in, of course, the power

to coin money and regulate its value. The end sought to be accomplished is to maintain as "money" that which Congress expressly is empowered to coin, for that power is to "coin money" and not merely to stamp coins. The parity act became necessary in order to maintain the circulation of specie as money and in order effectively to regulate the value of coined money. The end sought to be accomplished by the parity act, therefore, is legitimate and within the scope of the Constitution. The parity act is an appropriate means plainly adapted to the end in view, i. e., to standardize money for use as a national medium of exchange. It is only by virtue of law that gold coin is money or legal tender; it is only by virtue of law that paper notes are money or legal tender; and it is only by virtue of law that either coin or paper has a declared value; and only by virtue of law can coin and paper be maintained at a parity in order to afford a proper medium of exchange. A parity law therefore is a necessary complement to the currency laws.

The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of Government, i. e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State. The fact that citizens, at a given time, may prefer specie to currency, or vice versa, can not prevent Congress from enacting those laws which it deems necessary to the maintenance of a proper monetary system. If the law makes specie and currency equivalent for purposes of payment, a failure to pay a given sum in specie, according to contract, cannot possibly negate an obligation to pay a greater sum in legal-tender notes, whatever premium men may choose to give for gold, when forced to obtain it for a specific purpose, or when impelled by a spirit of speculation, or by distrust of Government. (*Brown v. Welch*, supra.)

While the courts cannot control our citizens' preferences for one kind of money over another kind, or prevent them from giving a premium for the one or the other kind of money, when the fiscal affairs of the Government necessitate the adoption of a certain policy, expressed in constitutional legislative enactment, such as the maintenance of a monetary system consisting of specie and currency, to be acceptable interchangeably as to the value of the dollar, the courts should not give effect to a stipulation impugning the power of the legislature to make such laws, and should not apply those laws to the construction of contracts in such a way as to defeat the legitimate purposes of those laws, upon the enforcement of which the very existence of the Government may depend, or, at least, the aggregate well-being of the whole people is contemplated.

As it is not strictly correct to say that a contract is "invalid" merely because the courts will not enforce it, since enforcement may be withheld from valid promises because some provision of law prohibits enforcement, such, for example, as the statute of limitations, or the want of a legal consideration, valid contracts may be made and carried out between parties, without regard to legal limitations, so long as the jurisdiction of courts is not invoked to enforce the agreement. But when judicial enforcement is sought, the courts must find all pertinent constitutional laws tacitly written into every contract they construe.

So a contract to pay dollars tacitly includes the laws of the United States defining "dollar" and regulating the value thereof and pro-

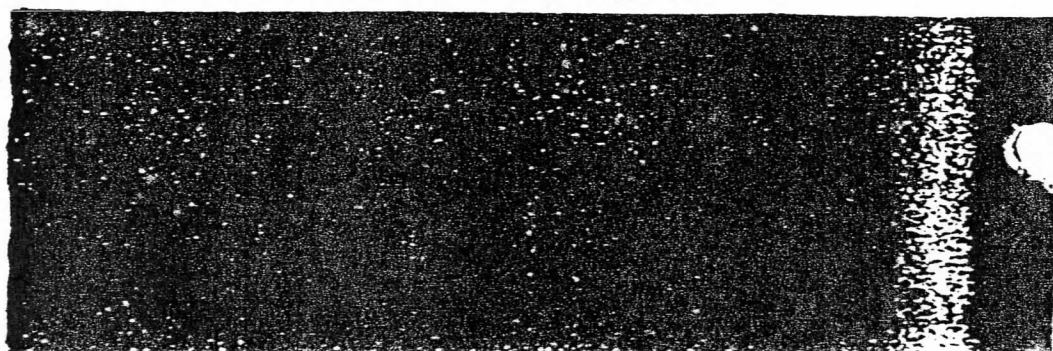
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scribing its usability as money. And a contract to pay dollars "in gold" or in any other form of money of the United States, tacitly incorporates into that contract the parity act declaring all forms of money issued or to be issued by the United States at a parity. Hence, the courts, in construing such a contract, must read into that contract the parity act, and if the promisee brings an action on the contract, the defendant's plea that he has tendered in payment any money that is lawful tender under the laws of the United States, is good, since all forms of money are at a parity and the defendant's plea, in effect, is that he has tendered the equivalent of the thing promised.

Furthermore, although in *Bronson v. Rodes*, supra, the Supreme Court said that "when contracts made payable in coin are sued upon, judgments may be entered in coined dollars and parts of dollars," it is doubtful if it could so rule now, in view of the necessity of reading into the contract the parity act, for the court would be bound to recognize that dollars coined or issued by the United States are at a parity, from which it follows that judgments in all such cases must be for dollars, or for dollars and parts of dollars, without qualification as to coin or paper. If the promise to pay so many dollars in gold be restated as two promises, one to pay dollars and the other to pay in gold coin, the courts must read into those two promises the existing pertinent laws at the time of the demand, and give judgment on the promise to pay dollars (which may be satisfied by payment or tender in any lawful money that is legal tender), and give no effect to the promise to pay in gold coin since under the laws the second promise adds nothing to the first promise.

In other words, the contract creates an obligation to pay dollars in gold, satisfied by tendering the stated number of dollars in any form that is legal tender in the United States.

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## [CHAPTER 46.]

## AN ACT

June 3, 1933.  
[H. R. 4494]  
[Public, No. 28]

Authorizing a per capita payment of \$100 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States.

Menominee Indians  
of Wisconsin.  
Per capita payments  
to, from tribal funds.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the fund in the Treasury of the United States on deposit to the credit of the Menominee Indians in the State of Wisconsin a sufficient sum to make therefrom a per capita payment or distribution of \$100, in three installments, \$50 immediately upon passage of this Act, \$25 on or about October 15, 1933, and \$25 on or about January 15, 1934, to each of the living members on the tribal roll of the Menominee Tribe of Indians of the State of Wisconsin, under such rules and regulations as the said Secretary may prescribe.

Approved, June 3, 1933.

## [CHAPTER 47.]

## JOINT RESOLUTION

June 3, 1933.  
[S. J. Res. 48]  
[Pub. Res., No. 9]

Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Posheng Yen, a citizen of China.

Posheng Yen, a citizen  
of China.  
Admitted to Military  
Academy.  
Fees.  
No Federal expense.  
Conditions.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized to permit Posheng Yen to receive instruction at the United States Military Academy at West Point for the course beginning not later than July 1, 1934: *Provided*, That no expense shall be caused to the United States thereby, and that Posheng Yen shall agree to comply with all regulations for the police and discipline of the Academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Posheng Yen shall not be admitted to the Academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the Academic Board: *Provided further*, That in the case of said Posheng Yen the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended: *Provided further*, That S. J. Res. 179, approved March 3, 1933, be, and the same is hereby, repealed.

Oath and service,  
waived.  
R. S., sec. 1320, 1321,  
p. 227.

Existing law repealed.  
Vol. 47, p. 1546.

Approved, June 5, 1933.

## [CHAPTER 48.]

## JOINT RESOLUTION

June 4, 1933.  
[H. J. Res. 192]  
[Pub. Res., No. 10]

To assure uniform value to the coins and currencies of the United States.

Uniform value of  
coins and currencies.  
Preamble.

Whereas the holding of or dealing in gold affect the public interest, and are therefore subject to proper regulation and restriction; and Whereas the existing emergency has disclosed that provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, obstruct the power of the Congress to regulate the value of the money of the United States, and are inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar; coined or issued by the United States, in the markets and in the payment of debts. Now, therefore, be it

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## [CHAPTER 49.]

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*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.*

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin or currency" means coin or currency of the United States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

SEC. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

"All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight."

Approved, June 5, 1933, 4.40 p.m.

Classes in obligations requiring gold, etc., payments declared contrary to public policy.

No future obligation to be so expressed.

Payments to be made in legal tender.

Conflicting provisions repealed. U.S.C. p. 1003. Other provisions not invalidated.

Term "obligation" defined.

"Coin or currency."

National Economic Emergency Act, amended. Act, p. 62.

Coins and currencies as legal tender.

Abased gold coins, according to weight.

[CHAPTER 49.]

AN ACT

To provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

June 6, 1933.  
[S. 816.]  
[Public, No. 30.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to promote the establishment and maintenance of a national system of public employment offices there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be a director. The director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$8,500 per annum.*

(b) Upon the expiration of three months after the enactment of this Act the employment service now existing in the Department of Labor shall be abolished; and all records, files, and property (including office equipment) of the existing employment service

National cooperative employment service. United States Employment Service created in Department of Labor.

Appointment, etc., of Director.

Existing service to be abolished; personnel and property transferred.



by the Executive but could only be granted as a parliamentary measure. And it did not, as in Germany, result in a suspension or abrogation of law but was a legal institution governed by special legal rules and terminable by parliamentary authority.

Great Britain also has fought both World Wars under a sort of temporary dictatorship created by legislation. As Parliament is not bound by written constitutional limitations, it established a crisis government simply by delegation to its Ministers of a larger measure than usual of its own unlimited power, which is exercised under its supervision by Ministers whom it may dismiss. This has been called the "high-water mark in the voluntary surrender of liberty," but, as Churchill put it, "Parliament stands custodian of these surrendered liberties, and its most sacred duty will be to restore them in their fullness when victory has crowned our exertions and our perseverance." Thus, parliamentary controls made emergency powers compatible with freedom.

This contemporary foreign experience may be inconclusive as to the wisdom of lodging emergency powers somewhere in a modern government. But it suggests that emergency powers are consistent with free government only when their control is lodged elsewhere than in the Executive who exercises them. That is the safeguard that would be nullified by our adoption of the "inherent powers" formula. Nothing in my experience convinces me that such risks are warranted by any real necessity, although such powers would, of course, be an executive convenience.

In the practical working of our Government we already have evolved a technique within the framework of the Constitution by which normal executive powers may be considerably expanded to meet an emergency. Congress may and has granted extraordinary authorities which lie dormant in normal times but may be called into play by the Executive in war or upon proclamation of a national emergency. In 1939, upon congressional request, the Attorney General listed ninety-nine such separate statutory grants by Congress of emergency or wartime executive powers. They were invoked from time to time as need appeared. Under this procedure we retain Government by law—special, temporary law, perhaps, but law nonetheless. The public may know the extent and limitations of the powers that can be asserted, and persons affected may be informed from the statute of their rights and duties.

In view of the ease, expedition and safety with which Congress can grant and has granted large emergency powers, certainly ample to embrace this crisis, I am quite unimpressed with the argument that we should affirm possession of them without statute. Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

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Is it possible for some party in interest to bring a suit to contest the vitality and continuing operative effect of a declaration of national emergency that was put in force in 1933—to deal with the domestic depression; and has been used as a basis for continuing Presidential power under that act, over since, to cope with entirely different situations that have no casual relationship to the original reason for making the declaration?

Justice CLARK. One who was aggrieved could bring suit claiming an unconstitutional exertion of Executive power to test out the present application of the 1933 order. We have too many cases now, and I hope we would not encourage additional ones.

Senator CHURCH. Why hasn't that happened? Is it because of the difficulty of a plaintiff establishing his right to contest the use of the power?

Mr. KATZENBACH. I expect in most instances that would be true, Mr. Chairman. With the kinds of regulations that have been used, it would be very difficult for an individual to show that this particular control had damaged him in some unlawful way.

I agree with Justice Clark. I have certainly learned anybody can bring suit about anything, but there is a difference between bringing a suit and winning it. My guess would be that the way in which that power has been invoked would probably tend to stand up, despite the fact that the emergency has changed, both from the language of the statute and from the fact. My recollection is that almost every Executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act was so broad, it would justify almost anything.

But I think there would be enough other circumstances in particular cases to make it a difficult lawsuit.

Justice CLARK. Most difficult from a standpoint of standing to sue. The Court, you might say, has enlarged the standing rule in favor of the litigant. But I don't think it has reached the point, presently, that would permit many such cases to be litigated to the merits.

#### CONGRESS MUST ACT ON EMERGENCY POWERS

Senator CHURCH. What you are saying, then, is that if Congress doesn't act to standardize, restrict, or eliminate the emergency powers, that no one else is very likely to get standing in court to contest?

Mr. KATZENBACH. May I make a philosophical point?

Senator CHURCH. Yes.

Mr. KATZENBACH. I think there is far too much of a tendency, today, to push matters for resolution in the courts. Many should be resolved in the Congress and in the legislature; and with due respect to you, Justice Clark, I don't think courts are always the best place to resolve every social issue we have.

Justice CLARK. I agree.

Mr. KATZENBACH. I think the Congress and the legislature ought to be doing it. I think it is a significant trend in our society that we are pushing so many problems or attempting to push so many problems onto the courts. I think it is something, that if I would hold an elected office, I would be very concerned.

Justice CLARK. In the framework of the question, I was just speaking whether or not there could be a suit. I would hope there wouldn't be.

Mr. CLARK. There have been suits. I think there is a court of appeals opinion as recently as 1971 that sustained the Executive action that was based in part, at least, on President Truman's declaration of an emergency of December 1950. So there, you see one standing two decades.

Senator CHURCH. Mr. Dine points out to me that in *United States v. Briddle*—212 F. Supp. 584 (S.D. Cal. 1962)—a court not only was willing to examine the continued existence of an emergency, but also concluded that the Korean emergency was over with.

In this case, the defendant was charged with violating gold regulations issued pursuant to section 5(b) of the Trading With the Enemy Act. Briddle sought to have his indictment dismissed on grounds that the regulations were issued to counteract an emergency which had ceased to exist. The court, in dismissing the indictment, observed that: "If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threatens our existence." The court rejected the Government's contention that Truman's declaration of national emergency continued the state of emergency under which the 1933 gold regulations were issued. Despite the potential effects of this ruling, the Government did not appeal. The case, however, was expressly overruled 3 years later in *Pike v. United States*—310 F.2d 187 (9th Cir. 1965).

I want to go back to Mr. Katzenbach's point that the courts ought not to decide. I agree. Congress should decide, and that is why we have undertaken to set up this Special Committee. Senator Mathias and I want to look into the whole problem. We want the Congress to retrieve lost powers and to act independent again.

I don't think that the question of impoundment should be decided by the courts. It has been forced upon the courts, however, by virtue of the respective positions taken by the executive and legislative branches. The Congress hasn't found a way to cope with impoundment yet: the Executive keeps insisting upon it. It is a situation that has been forced into the courts.

Senator MATHIAS. Let me suggest at that point that the Congress' self-starter hasn't always worked; it takes a little encouragement from the general public sometimes to get the Congress to move.

#### ENORMOUS SCOPE OF POWERS . . . A TIME BOMB

In this whole area we have been woefully lacking in self-starter and in the prod from the public. Mr. Clark, in his statement, made a very interesting suggestion—I don't remember his exact words—but Attorneys General, Presidents, Members of Congress, other public officials had a very hazy concept about this body of emergency law that lies here like a time bomb ready for a wrong-minded man, or woman, to get hold of and use.

I am wondering how much each one of the three of you were really aware—as Attorney General, or in the case of Justice Clark as a mem-

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15 ¶ A Statement by the President on the Method  
for Reopening of Banks — Announcement of  
First Radio "Fireside Chat." March 11, 1933

I AM glad to be able to announce that technical difficulties which operated to delay the opening of banks, both State and national, have finally substantially been overcome by tireless work on the part of the officials of the Treasury and the Federal Reserve System, and that a definite program has been arranged consisting of successive steps by which banks throughout the country will be opened progressively on Monday, Tuesday and Wednesday mornings.

The Secretary of the Treasury will issue licenses to banks which are members of the Federal Reserve System, whether national bank or State, located in each of the twelve Federal Reserve Bank cities, to open Monday morning.

So also the State authorities having supervision over State banks which are not members of the Federal Reserve System will be asked to permit any such State institutions located in any one of the twelve Federal Reserve Bank cities to open for business on Monday morning if in their judgment they deem it wise to do so.

Under this progressive plan, banks located in any city having an active, recognized clearing house association, of which there are 250 cities, will receive licenses for reopening on Tuesday morning, and banks located elsewhere will receive their licenses permitting reopening for Wednesday.

Time is thus afforded for the necessary shipments of currency provided under the Emergency Bank Act from Reserve Bank centers to clearing house cities and banks in the smaller communities.

There were enormous technical problems to be solved before these mechanics could be worked out and before the actual currency could be in the bank when the doors opened.

The Constitution has laid upon me the duty of conveying the



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TITLE 10—ARMED FORCES

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holding of that belief is established under such regulations as the President may prescribe. However, such a person is not exempt from militia duty that the President determines to be noncombatant.

(Aug 10 1956 ch 1041, 70A Stat 15, Sept. 29, 1956, Pub L. 100 456, div. A, title XII, § 1234(a)(3) 102 Stat 2056)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
312(a)	§ 23 (last 57 words)	June 3, 1916, ch. 134, § 23 (last 57 words)
312(b)	§ 23 (last 57 words)	1956 Stat 197

In subsection (a) the words "Members of the armed forces" are substituted for the words "persons in the military or naval service". The words "except members who are not on active duty" are inserted to reflect an opinion of the Judge Advocate General of the Army (JAGC 1953/5374, 9 July 1953). The word "artillery" is omitted as covered by the word "workmen". The words "naval shipyards" are substituted for the words "navy yards" to reflect modern terminology. The words "on navigable waters" are inserted to preserve the original coverage of the word "pilots". The words "actually" and "without regard to age" are omitted as surplusage.

## AMENDMENTS

1956—Rubens (a)(3) Pub L. 100 456 substituted "and Puerto Rico" for "Puerto Rico, and the Canal Zone".

## CROSS REFERENCES

Deferments and exemptions from training and service under Military Selective Service Act, see section 456 of Appendix to Title 50, War and National Defense.

## CHAPTER 15—INSURRECTION

Sec.	
321	Federal aid for State governments
322	Use of militia and armed forces to enforce Federal authority
323	Interference with State and Federal law
324	Proclamation to disperse
325	Guam and Virgin Islands included as State
326	Repealed

## AMENDMENTS

1956—Pub L. 96 513 title V § 5111(c)(1) Dec. 12, 1956 94 Stat. 2911, added item 325.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 118 of this title.

## § 321. Federal aid for State governments

Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

(Aug 10, 1956 ch 1041, 70A Stat 15)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
321	§ 307	H. R. 5397

The words "armed forces" are substituted for the words "land or naval forces of the United States". The word "governor" is substituted for the word "executive". The word "may" is substituted for the words "it shall be lawful" to "The words 'into Federal service' are substituted for the word 'forth' for uniformity and clarity."

## CROSS REFERENCES

Army National Guard in Federal service, call, see section 3800 of this title.

Use of Army and Air Force as peace committee, see section 1385 of Title 18, Crimes and Criminal Procedure.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 6323.

## § 322. Use of militia and armed forces to enforce Federal authority

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

(Aug 10, 1956, ch 1041, 70A Stat 15)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
322	§ 302	H. R. 5398

§ 302 (last 23 words) is omitted as surplusage. The words "armed forces" are substituted for the words "land and naval forces of the United States". The words "call into Federal service such of the militia" are substituted for the words "call forth the militia of any or all the States" for clarity and uniformity. The word "may" is substituted for the words "it shall be lawful". The words "faithful execution of the and in whatever State or Territory thereof the laws of the United States may be forcibly opposed" are omitted as surplusage.

## DERIVATION

Act July 29, 1861, ch. 28, § 1, 12 Stat 281

EX. ORD. NO. 10730, ASSISTANCE FOR REMOVAL OF AN OBSTRUCTION OF JUSTICE WITHIN THE STATE OF ARKANSAS

EX. ORD. NO. 10730, Sept. 24, 1957, 22 P. R. 7628, authorized the Secretary of Defense to order into the active military service of the United States units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas for an indefinite period and until relieved by appropriate orders in order to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstructions to justice in respect to enrollment and attendance at public schools in the Little Rock School

District Little Rock, Arkansas, authorized the Secretary of Defense to also use the armed forces of the United States to enforce such orders of the district court and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11053, ASSISTANCE FOR REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF MISSISSIPPI

EX. ORD. NO. 11053, Sept. 20, 1957, 27 P. R. 9881, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Mississippi for an indefinite period and until relieved by appropriate orders in order to enforce all orders of the United States District Court for the Southern District of Mississippi and of the United States Court of Appeals for the Fifth Circuit for the removal of obstructions to justice in the State of Mississippi, authorized the Secretary of Defense to also use the armed forces of the United States to enforce such court orders; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11111, ASSISTANCE FOR REMOVAL OF OBSTRUCTIONS OF JUSTICE AND SUPPRESSION OF UNLAWFUL COMBINATIONS WITHIN THE STATE OF ALABAMA

EX. ORD. NO. 11111, June 11, 1957, 28 P. R. 5709, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States within that State and the orders of the United States District Court for the Northern District of Alabama, to remove obstructions to justice, and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the laws of the United States or impede the course of justice under those laws within that State, authorized the Secretary of Defense to also use the armed forces of the United States for such purposes and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

EX. ORD. NO. 11118, ASSISTANCE FOR REMOVAL OF UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE STATE OF ALABAMA

EX. ORD. NO. 11118, Sept. 10, 1957, 28 P. R. 5867, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States and any orders of United States Courts relating to the enrollment and attendance of students in public schools in the State of Alabama and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the law or impede the course of justice under the law within that State; authorized the Secretary of Defense to also use the armed forces of the United States for such purposes and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 6323.

## § 323. Interference with State and Federal law

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection,

domestic violence, unlawful combination, conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States with the State, that any part or class of its people is deprived of a right, privilege, immunity, protection named in the Constitution and secured by law, and the constituted authority of that State is unable, fail, or refuse to protect that right, privilege, or immunity, or give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

(Aug 10, 1956, ch 1041, 70A Stat 15)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
323	§ 303	H. R. 5399

The words "armed forces" are substituted for the words "land or naval forces of the United States". The word "shall" is substituted for the words "it shall be lawful for" and "it shall be his duty".

## DERIVATION

Act Apr. 20, 1871, ch. 22, § 3, 17 Stat 14.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 6323.

## § 324. Proclamation to disperse

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within limited time.

(Aug 10, 1956, ch 1041, 70A Stat 16)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
324	§ 304	H. R. 5399

The words "militia or the armed forces" are substituted for the words "military forces" for clarity and to conform to sections 321, 322, and 323 of this title.

## DERIVATION

Act July 29, 1861, ch. 28, § 3, 12 Stat 282.

PROC. NO. 3284, OBSTRUCTION OF JUSTICE IN THE STATE OF ARKANSAS

PROC. NO. 3284, Sept. 23, 1957, 22 P. R. 7638, commanded all persons in the State of Arkansas who were obstructing the enforcement of orders of the United States District Court for the Eastern District of Arkansas relating to enrollment and attendance at public schools, particularly Central High School at Little Rock, Arkansas, to cease and desist (herefrom and) disperse forthwith.

effect the entry. The words "to serve" are substituted for the words "for the purpose of serving." The words "active duty" are substituted for the words "the active military service of the United States." The words "and members thereof" and "as are required" are omitted as surplusage.

#### AMENDMENTS

1947. Pub. L. 100 28 inserted in the term after in this section.

§ 277. Regular and reserve components: discrimination prohibited.

Laws applying to both Regulars and Reserves shall be administered without discrimination—

- (1) among Regulars;
- (2) among Regulars and
- (3) between Regulars and Reserves.

(Aug. 10, 1958, ch. 1041, 70A Stat. 14.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
277	50 1001	July 9, 1953, ch. 400, § 250, 66 Stat. 499

§ 278. Discrimination of information.

The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

(Aug. 10, 1958, ch. 1041, 70A Stat. 14.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
278	50 1010	July 9, 1953, ch. 400, § 250, 66 Stat. 499

The word "current" is substituted for the word "up to date." The words "in general" are omitted as surplusage.

(§ 279. Repealed. Pub. L. 95 484, title IV, § 4064(h)(1), Oct. 20, 1978, 91 Stat. 1814.)

Section added Pub. L. 85 861, § 112(h)(1), Sept. 2, 1958, 72 Stat. 1439, and amended Pub. L. 94 273, § 111(2), Apr. 31, 1976, 90 Stat. 378, required the Secretary of Defense to report to the President and Congress in January of each year, on the status of training of each reserve component and the progress made in strengthening the reserve components during the preceding fiscal year.

§ 280. Regulations.

Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as he considers necessary to carry out chapters 11, 34, 39, and 40, and sections 718, 1003, 1004, 1376, 2001, 2811, 3077, 3079, 3221, 3224, 3259, 3260, 3261, 3351, 3352, 3354, 3495, 3499, 3686, 6261, 6252, 6456, 6277, 6483, 7225, 7226, 7654, 8077, 8079, 8231, 8234, 8259, 8260, 8261, 8301, 8352, 8354, 8495, 8498, and 8686 of this title. The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such reg-

ulations as he considers necessary to carry out chapters 11, 34, 39, and 40, and sections 718, 1003, 1004, 1376, 2001, and 2811 of this title, so far as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy. So far as practicable, regulations for all reserve components shall be uniform.

(Aug. 10, 1958, ch. 1041, 70A Stat. 14, Sept. 2, 1958, Pub. L. 85 861, § 112(h)(2), 72 Stat. 1444, Sept. 7, 1962, Pub. L. 87 451, title I, § 101, 76 Stat. 808, Sept. 11, 1967, Pub. L. 90 87, § 3(1), 81 Stat. 220, Aug. 17, 1977, Pub. L. 95 105, title V, § 4094(h)(3), 91 Stat. 860, Dec. 12, 1980, Pub. L. 96 513, title V, § 501(c), 94 Stat. 2907, 2920, Oct. 19, 1984, Pub. L. 98 825, title XIV, § 1405(h), 98 Stat. 2622.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
280	50 1003 (from applicable title to 50 813)	July 9, 1953, ch. 400, § 251 (from applicable title to 1953), 66 Stat. 499

The words "the Secretary of each military department" are substituted for the words "the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force." The word "prescribe" is substituted for the words "make and publish." The specific enumeration of sections is substituted for the word "chapter," since certain sections of this title relating to reserves are not based on this source statute. The second sentence of the revised section is substituted for 40, 1003 (at 14 words) for clarity. The words "except when the Coast Guard is operating as a service in the Navy" are inserted to make it clear that the power of the Secretary of the Treasury is so limited.

#### 1943 Act

The change reflects the repeal of sections 813 and 742 of title 10 by section 1001 (1) and (4) of the Act of September 2, 1958, Pub. L. 85 861 (72 Stat. 1470).

#### AMENDMENTS

1984. Pub. L. 98 825 struck out reference to section 8007 of this title.

1980. Pub. L. 96 813 struck out references to sections 3685 and 3686 and substituted "34, for 35" and "Secretary of Transportation" for "Secretary of the Treasury."

1977. Pub. L. 95 105 struck out references to section 1012 of this title.

1967. Pub. L. 90 83 struck out reference to section 6180 of this title.

1962. Pub. L. 87 451 struck out references to sections 813 and 742 of this title.

1958. Pub. L. 85 861 substituted "3354" for "3303" and 4384 and 4353.

#### Effective Date of 1980 Amendment

Amendment by section 801(a) of Pub. L. 96 813 substituting "34, for 35" effective Sept. 18, 1980, see section 701 of Pub. L. 96 813, set out as a note under section 101 of this title.

Amendment by section 811(10) of Pub. L. 96 813 striking out references to sections 3685 and 3686 and substituting "Secretary of Transportation" for "Secretary of the Treasury" effective Dec. 12, 1980, see section 701(h)(3) of Pub. L. 96 813.

#### Effective Date of 1980 Amendment

Amendment by Pub. L. 96 861 effective on Aug. 19, 1980, see section 33(a) of Pub. L. 96 861, set out as a note under section 101 of this title.

§ 281. Adjutants general and assistant adjutants general: reference to other officers of National Guard.

In any case in which, under the laws of a State or Territory, Puerto Rico, or the District of Columbia, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the reference in section 1002(c), 3218, 3344, 3370(d), 3392, 3445, 3681, 3682, 8218, 8444, 8448, 8453, or 8452 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

(Added Pub. L. 86 559, § 123(c), June 30, 1960, 74 Stat. 264, and amended Pub. L. 100 456, div. A, title XII, § 1234(a)(1), Sept. 20, 1988, 102 Stat. 2059.)

#### AMENDMENTS

1988. Pub. L. 100 456 struck out "the Canal Zone," after "Puerto Rico."

#### Cross References

Suspension of operation of provisions of this section in time of war or national emergency, see section 123 of this title.

#### Section References to in Other Sections

This section is referred to in section 123 of this title.

## CHAPTER 19—THE MILITIA

Sec.	
301	Militia: composition and classes
310	Militia duty: exemptions

### § 301. Militia: composition and classes

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are commissioned officers of the National Guard.

(b) The classes of the militia are—  
(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

(Aug. 10, 1958, ch. 1041, 70A Stat. 14, Sept. 2, 1958, Pub. L. 85 861, § 3(7), 72 Stat. 1439.)

#### HISTORICAL AND REVISION NOTES

##### 1958 Act

Revised section	Source (U.S. Code)	Source (Statutes at Large)
310(a), 310(b)	321 (from last 10 words), 321 (last 10 words)	June 30, 1960, 74 Stat. 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

In subsection (a), the words "who have made a declaration of intention" are substituted for the words "who have or shall have declared their intent." The words "at least 17 years of age and" "or more years of age" are substituted for the words "who be more than seventeen years of age and" "more than forty-five years of age." The words "as provided in section 313 of title 32" are substituted for the words "except as hereinafter provided" to make explicit the exception as to maximum age. In subsection (b), the words "The organized militia consists of the National Guard and the Naval Militia" are substituted for the words "The National Guard, the Naval Militia, since the National Guard and the Naval Militia constitute the organized militia."

##### 1958 Act

Revised section	Source (U.S. Code)	Source (Statutes at Large)
310(a)	32 App. 1	July 20, 1958, 72 Stat. 1439

The words "appointed as" under section 4 of title 32 are omitted as surplusage.

#### AMENDMENTS

1958. Pub. L. 85 861 included citizens of the United States who are commissioned officers of the National Guard.

#### Cross References

Congressional power to provide for organization, equipment, discipline, and government of Militia, Const. Art. I, § 8, cl. 16.

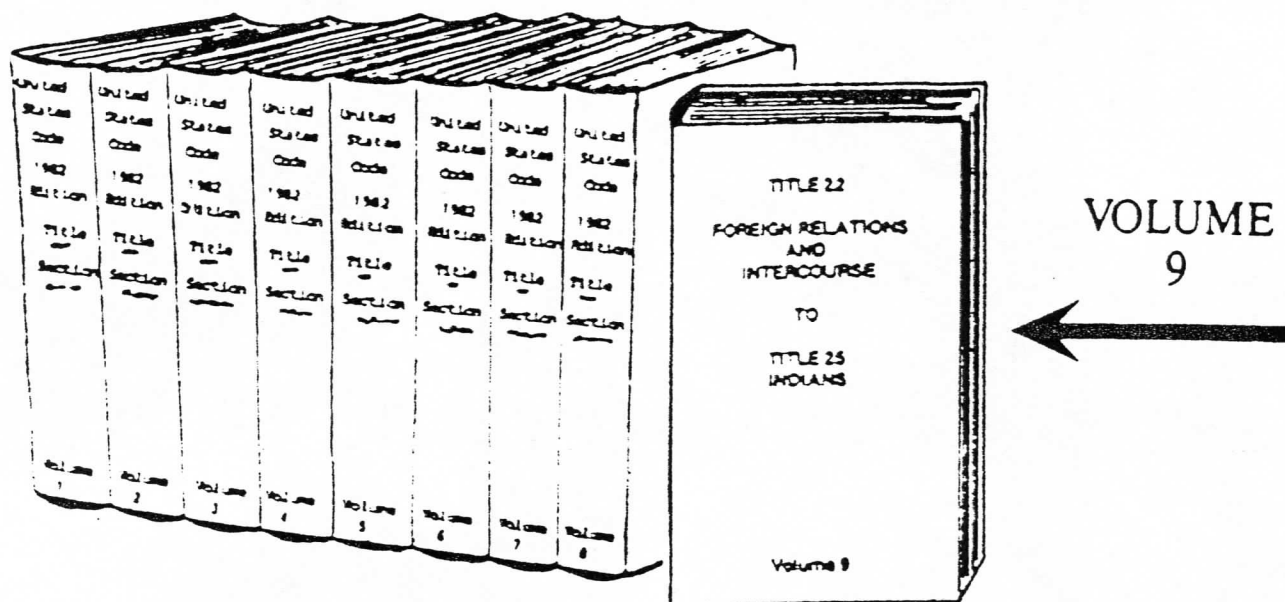
Declaration of intention to become a citizen of the United States, see section 1445 of Title 8, Aliens and Nationality.

### § 310. Militia duty: exemptions

(a) The following persons are exempt from militia duty:

- (1) The Vice President.
- (2) The judicial and executive officers of the United States, the several States and Territories, and Puerto Rico.
- (3) Members of the armed forces, members who are not on active duty.
- (4) Customhouse clerks.
- (5) Persons employed by the United States in the transmission of mail.
- (6) Workmen employed in armories, arsenals, and naval shipyards of the United States.
- (7) Minors on navigable waters.
- (8) Mariners in the sea service of a foreign or a merchant in the United States.
- (9) A person who claims exemption on religious belief in exempt from militia in a combatant capacity, if the donor

# DO YOU WANT TO KNOW WHY PUBLIC OFFICIALS ARE VOTING TO TAKE AWAY YOUR FIREARMS?



If you do want to know why, go to your local library, no matter where you live in the United States. Tell the librarian to show you where the *United States Code* books are shelved. There are 25 books in the set. They are reddish-brown in color. They are printed by the Government Printing Office in Washington, D.C. These hard-covered books are printed every 8-10 years. They are updated with annual soft-back supplements each year until a new hard-cover issue comes out. At the present time the 1982 hardbacks are on the library shelves.

**OPEN VOLUME 9.** The page numbers are set in the center near the middle binding. The section numbers (§) are along the edges.

**TURN TO PAGE 554.** Here you will find Public Law 87-297 which calls for the United States to eliminate its armed forces. This law was signed for the United States in 1961. John F. Kennedy signed it and every president since has worked to enact its provisions. The government knows you will not approve which is why they want to take away your firearms. (This is Title 22 USC Section 2551)

**TURN TO PAGE 555.** Here you will find the definition of what the government means by "disarmament." Find it on the lower right hand side of the page. The disarmament calls for the elimination of our armed forces. It also calls for the elimination of weapons of all kinds. (This is Title 22 USC 2552 (a) )

**TURN TO PAGE 557.** Here you will find it stated as *Item (a)* "... Control, reduction and elimination of armed forces..." and as *Item (d)* "... Elimination of armed forces..." What you need to know is that your armed forces are being eliminated from national control which, in turn, wipes out our sovereignty as a nation. In two stages we shall have no more army, no more navy, and no more air force. In the third stage we shall have a "zero" military. Before Stage I closes, all citizen-owned guns will be banned. (This is Title 22 USC Section 2571 (a) )

## HOW SAFE WILL YOU BE THEN?



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3  
100 U.S.

# UNITED STATES CODE

1988 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS  
OF THE UNITED STATES, IN FORCE  
ON JANUARY 3, 1989

Prepared and published under authority of Title 2, U.S. Code, Section 255b,  
by the Office of the Law Revision Counsel of the House of Representatives



VOLUME NINE

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE  
TO  
TITLE 25—INDIANS

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1989

# UNLESS YOU KNOW THIS...YOUR GUNS ARE GONE

Public law 87-297 is further explained in the State Department Document, called Publication 7277. Your librarian can also furnish you a copy. Ask the librarian to get you a copy of "The Blueprint for the Peace Race." It is a 35-page booklet, printed by the United States Arms Control & Disarmament Agency as Publication No. 4 - General Series 3 - Released May, 1962. Publication No. 4 is the unabridged version of State Department Document 7277.

Both of these booklets explain how our military is to be reduced to 2.1 million men. China and the Soviets are to reduce to that level also. At this point, we are in Stage I at which time we are to transfer (on a permanent basis) one-half of our armed forces to be merged with the Russian and Chinese armies. In Stage II the remaining one-half of our armed forces is then turned over to this same Security Council of the United Nations. The person in charge of the merged armies must, by agreement, always be a Russian. The world's smaller nations turn 100% of their armies over to the same under-secretary of the Security Council in Stage II. President George Bush and Admiral Wm. J. Crowe refer to this process as being "in transition."

**TURN TO PAGE 558.** On this page in Volume 9 of the *United States Code*, read "Policy Formation." The directives there (written in 1963 to pacify objectors) are supposedly to restrain anyone from disarmament, reducing or limiting our armaments, or taking guns from the people unless it is pursuant to the treaty-making power of the president, or if it is authorized by further legislation by the Congress. (This is Title 22 Section 2573)

Every couple of years the House of Representatives votes to appropriate funds for this on-going program. Since P.L. 87-297 was first passed into law in 1961, there have been 18 updates to it—all bad—with no deletions of these issues I lay before you now. The Congress knows that the plan includes the policing of the United States by foreign troops. (The world army they are forming.) The Congress is allowing our military bases to be closed down, except for those which will be used by the world army. You will find that plan in Publication 7277 and in "The Blueprint for the Peace Race."

If George Bush and the Congress can promote a "Constitutional Convention" you will find yourself with two new constitutions (communist in structure) which in one states, in Article VIII, Section 12: "No person shall bear arms or possess lethal weapons except the police and members of the armed forces..." The Congress has passed these documents and is on record in Senate hearings seeking ways to install these constitutions. Ask your librarian for "Revision of the United Nations Charter - Hearings Before a Subcommittee (Foreign Relations) Feb. 2-20, 1950 U.S. Government Printing Office." Nothing has changed since. They are still viable.

As a matter of fact, George Bush's father helped push P.L. 87-297 through in the Congress when he was the Senator from Connecticut (Senator Prescott Bush). The librarian can furnish you with a copy of the voting record of P.L. 87-297.

**THERE HAS NEVER BEEN ANY "CONSENT OF THE GOVERNED" TO ALLOW THESE PLANS TO BE IMPLEMENTED. RUSSIA IS NOT MOVING AWAY FROM COMMUNISM. THAT IS PROPAGANDA.**

Unless I can make you understand what is going on with the treaty process, you can still lose your firearms. I wrote the legislation to stop the process as the first disarmament treaty (The INF-Treaty - No. 100-11-1988) was being enacted. State Senator Donald Rogers introduced it in the California Legislature, but Senator Roberti and Senator Petris killed the bill in committee (S.J.R. 42). NOW, GO TO THE LIBRARY!

Note: If you have difficulty finding these references, ask your Librarian to get them. Give her Title and Section.

*Donna Smith*

The President may appoint by and with advice and consent of the Senate two Spe



[illegible]

SECRET

## 156: Congressional statement of purpose

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological and technological information upon which realistic arms control and disarmament policy must be based. It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

Reorganization Plan No. 8 of 1953 referred to in subsec-  
tion (b) is set out in the Appendix to Title 5, Government  
Organization and Employees

#### United States Information Agency

The United States Information Agency referred to in  
subsec. (b) was established and captured by the Inter-  
national Communication Agency pursuant to Reorg.  
Plan No. 8 of 1953, 49 P.R. 63461 91 Stat 1636 set out  
in the Appendix to Title 5, Government Organization  
and Employees effective on or before July 1, 1953 at  
such time as specified by the President. The Inter-  
national Communication Agency was redesignated the  
United States Information Agency by section 563 of  
Pub. L. 87 367 title III, Aug. 30, 1962, 86 Stat. 391 set  
out as a note under section 1481 of this title

#### § 3075. Coordination of Government agencies and res- olution of policy differences

The President is authorized to establish pro-  
cedures to (1) assure cooperation, consultation,  
and a continuing exchange of information between  
the Agency and the Department of the  
Interior, the Atomic Energy Commission, the Na-  
tional Aeronautics and Space Administration,  
and other affected Government agencies in all  
significant aspects of United States arms con-  
trol and disarmament policy and related mat-  
ters, including current and prospective policies,  
plans, and programs; (2) resolve differences of  
opinion between the Director and such other  
agencies which cannot be resolved through con-  
sultation; and (3) provide for presentation to  
the President of recommendations of the Direc-  
tor with respect to such differences, when such  
differences involve major matters of policy and  
cannot be resolved through consultation

(Pub. L. 87 367 title III, § 30, Sept. 30, 1962, 76  
Stat. 638)

#### Transfer of Functions

The Atomic Energy Commission was abolished and  
all functions were transferred to the Administrator of  
the Energy Research and Development Administra-  
tion (unless otherwise specifically provided by section  
5614 of Title 42, The Public Health and Welfare, The  
Energy Research and Development Administration  
was terminated and functions vested by law in the Ad-  
ministrator thereof were transferred to the Secretary  
of Energy (unless otherwise specifically provided by  
sections 7101(a) and 7303 of Title 42)

#### Ex. Ord. No. 11644, Intergovernmental Coordination

Ex. Ord. No. 11644, Aug. 30, 1963, 31 P.R. 63461 as  
amended by Ex. Ord. No. 11666, Sept. 9, 1963, 33 P.R.  
66617 provided:

WHEREAS there has been established by law the  
United States Arms Control and Disarmament  
Agency and

WHEREAS the Arms Control and Disarmament Act  
(this chapter) provides that the Director of that  
Agency shall be the principal advisor to the Secretary  
of State and the President on arms control and disar-  
mament matters and requires the Director to assume  
primary responsibility within the Government for  
such matters under the direction of the Secretary of  
State and

WHEREAS the Act (this chapter) authorizes and di-  
rects the said Director to coordinate significant ac-  
tivities of the United States arms control and disar-  
mament policy and related matters, and

WHEREAS it is desirable that the President estab-  
lish procedures for coordination and for the resolu-  
tion of differences of opinion between the United

States Arms Control and Disarmament Agency and  
other affected Government agencies concerning all  
significant aspects of arms control and disarmament  
policy and related matters

NOW, THEREFORE, by virtue of the authority  
vested in me by the Arms Control and Disarmament  
Act (16 Stat. 631 90 U.S.C. 1961) and in order to carry  
into effect the purposes and intent of the United  
States it is hereby ordered as follows:

#### Section 1. Definitions. As used hereinafter:

(a) The word "Director" means the Director of the  
United States Arms Control and Disarmament  
Agency

(b) The term "affected agencies" shall include the  
Department of Defense, the Atomic Energy Commis-  
sion, the Central Intelligence Agency, the National  
Aeronautics and Space Administration, and when not  
inappropriate in the context, the United States Arms  
Control and Disarmament Agency and shall include  
also such other agencies as the Director may designate  
hereunder

(c) The terms "arms control" and "disarmament"  
shall be defined as they are defined in section 3(a)  
of the Arms Control and Disarmament Act (section  
5601(a) of this title)

(d) The term "related matters" shall include those  
matters which are necessary to, desirable for, or other-  
wise directly connected with the functions described in  
sections 1 and 2 of this order

Sec. 2. Cooperation. The Director and the heads of  
affected agencies shall keep each other fully and cur-  
rently informed on all significant aspects of United  
States arms control and disarmament policy and re-  
lated matters, including current and prospective policies,  
plans, and programs. Differences of opinion concerning  
arms control and disarmament policy and related mat-  
ters arising between the United States Arms Control  
and Disarmament Agency and other affected agencies  
with respect to such subjects which involve major  
matters of policy and cannot be resolved through con-  
sultation shall be promptly referred to the President  
for decision. In such instances the head of an agency  
presenting recommendations with respect to such dif-  
ferences to the President shall give the heads of af-  
fected agencies notice of the occasion for and sub-  
stance of his recommendations

Sec. 3. Policy coordination. (a) The Director shall  
establish procedures consistent with this order and  
the Arms Control and Disarmament Act (this chapter)  
to assure coordination of

(1) his recommendations to the Secretary of State  
and the President and to the heads of affected agen-  
cies relating to United States arms control and disar-  
mament policy;

(2) Government planning for the conduct and sup-  
port of research for arms control and disarmament  
policy formulation including the comprehensive and  
balanced plan provided for in Section 4 of this order

(3) Government planning for the dissemination of  
public information concerning arms control and disar-  
mament

(4) the preparation for and management of United  
States participation in international negotiations in  
the arms control and disarmament field and

(5) the preparation for, operation of, or as appropri-  
ate direction of United States participation in such  
control systems as may become part of United States  
arms control and disarmament activities

(b) The Director shall exercise leadership in assur-  
ing that differences of opinion concerning arms con-  
trol and disarmament policy and related matters are  
resolved expeditiously and shall take such steps as  
may be appropriate in order to produce common or  
harmonious action among the agencies concerned

Sec. 4. Research. With the advice and assistance of  
affected agencies the Director shall develop and keep  
current a comprehensive and balanced program of re-  
search, development and other studies needed to be  
conducted by or for the Government for arms control

shall maintain a continuing inventory of Federal ac-  
tivities related to the planned program and advise the  
affected agencies as to their respective participations  
in the planned program in order to produce harmoni-  
ous action and prevent duplication of effort. The Di-  
rector shall periodically submit to the Director of the  
Office of Management and Budget a consolidated  
schedule of such activities with assessments of their  
respective programs by the responsible agencies, to  
gather with his evaluations regarding these activities.  
Sec. 5. Force and armament levels. The Secretary of  
Defense shall keep the Director informed with respect  
to the planning of armed force levels and armaments  
and for consultation in connection with such plan-  
ning. The Director shall furnish the Secretary of De-  
fense statements of existing and projected arms con-  
trol and disarmament policies

#### Section 6. Review by the Congress

This section is referred to in sections 3071, 3076 of  
this title

#### § 3076. Arms control impact information and analysis

(a) Access by Director to detailed information of  
Government agencies preparing legislative or  
budgetary proposals, nature of proposals, appli-  
cable procedures

In order to assist the Director in the perform-  
ance of his duties with respect to arms control  
and disarmament policy and negotiations, any  
Government agency preparing any legislative  
or budgetary proposal for—

(1) any program of research, development,  
testing, engineering, construction, deploy-  
ment or modernization with respect to nucle-  
ar armaments, nuclear implements of war,  
military facilities or military vehicles de-  
signed or intended primarily for the delivery  
of nuclear weapons;

(2) any program of research, development,  
testing, engineering, construction, deploy-  
ment, or modernization with respect to arma-  
ments, ammunition, implements of war, or  
military facilities, having—

(A) an estimated total program cost in  
excess of \$300,000,000, or

(B) an estimated annual program cost in  
excess of \$60,000,000, or

(3) any other program involving technology  
with potential military application or weap-  
ons systems which such Government agency  
or the Director believes may have a signifi-  
cant impact on arms control and disar-  
mament policy or negotiations,

shall, on a continuing basis, provide the Direc-  
tor with full and timely access to detailed infor-  
mation in accordance with the procedures es-  
tablished pursuant to section 3076 of this title  
with respect to the nature, scope, and purpose  
of such proposal

(b) Program assessment, analysis and recommenda-  
tions by Director to National Security Council,  
Office of Management and Budget, and propos-  
ing agency; requests for authorization or appro-  
priation; contents; information requested by  
select Congressional committees

(c) The Director, as he deems appropriate,  
shall assess and analyze each program de-  
scribed in subsection (a) of this section with re-  
spect to its impact on arms control and disar-

armament and make recommendations on the ba-  
sis of such assessment and analysis to the Na-  
tional Security Council, the Office of Manage-  
ment and Budget, and the Government agency pri-  
orizing such program

(2) No request to the Congress for authori-  
zation or appropriations for—

(A) any program described in subsection  
(a)(1) or (3) of this section, or

(B) any program described in subsection  
(a)(2) of this section and found by the Na-  
tional Security Council, on the basis of its  
advice and recommendations received from the  
Director, to have a significant impact on  
arms control and disarmament policy or ne-  
gotiations,

shall be transmitted without a complete state-  
ment analyzing the impact of such program,  
either as an individual program or as an aggre-  
gation of related programs, on arms control and  
disarmament policy and negotiations. Any state-  
ment transmitted in classified form shall  
be accompanied by an unclassified version  
thereof

(3) Upon the request of the Committee on  
Armed Services of the Senate or the House of  
Representatives, the Committee on Appropri-  
ations of the Senate or the House of Representa-  
tives, the Committee on Foreign Relations of  
the Senate, or the Committee on Foreign Affairs  
of the House of Representatives or the  
Joint Committee on Atomic Energy, the Direc-  
tor shall, after informing the Secretary of  
State, advise such committee on the arms con-  
trol and disarmament implications of any pro-  
gram with respect to which a statement has  
been submitted to the Congress pursuant to  
paragraph (2).

(4) Prohibition of courts to compel statutory pro-  
cesses or review adequacy of statutory pro-  
cesses of Government agencies or Director

No court shall have any jurisdiction under  
any law to compel the performance of any re-  
quirement of this section or (5) (A) (i) (A) (ii)  
of the performance of any such require-  
ment as the part of any Government agency  
(including the Agency and the Director).

(Pub. L. 87 367 title III, § 36, as added Pub.  
84 141, title I, § 146 Nov. 29, 1975, 89 Stat. 76  
and amended Pub. L. 95 338 § 1, Aug. 8, 1977  
91 Stat. 458 H. Res. 89 Feb. 8, 1976)

#### Amendments

1978 Subsec. (a)(3) Pub. L. 95 338 § 1(i) substitut-  
ed "technology with potential military application or  
weapons systems" for "weapons systems or technol-  
ogy"

Subsec. (b)(3) Pub. L. 95 338 § 1(i) inserted pro-  
visions requiring requests to be transmitted either as a  
individual program or as an aggregation of related  
programs and classification requirements for trans-  
mitted statements

#### Change of Name

The name of the Committee on International Relat-  
ions of the House of Representatives was changed  
Committee on Foreign Affairs, on Pub. L. 1076, 91  
House Resolution 89, 90th Congress

Representatives for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto.

(Pub. L. 87-297, title II, § 27, as added Pub. L. 95-108, § 2(a), Aug. 17, 1977, 91 Stat. 871, and amended Pub. L. 98-203, § 4(a), Dec. 2, 1983, 97 Stat. 1382.)

#### AMENDMENTS

1983 Pub. L. 98-203 substituted "two Special Representatives" for "a Special Representative".

#### 6044. Program for visiting scholars

A program for visiting scholars in the field of arms control and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutions of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1 year period. Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency.

(Pub. L. 87-297, title II, § 28, as added Pub. L. 98-203, § 3, Dec. 2, 1983, 97 Stat. 1381.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3509 of this title.

### CHAPTER III—FUNCTIONS

#### 3571. Research, development and other studies

The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 3578 of this title. In carrying out his responsibilities under this chapter, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall

be limited to participation in the following insofar as they relate to arms control and disarmament:

(a) Control, reduction and ~~attenuation of armed forces and armaments~~

the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, biological, chemical, and radiological weapons;

(b) Weapon detection and identification tests

the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) Analysis of national budgets and economic indicators

the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments and of all aspects of anti-satellite activities;

(d) Space, earth's surface and underwater regions

the control, reduction, and ~~attenuation of armed forces and armaments~~ in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) Structure and operation of international control

the structure and operation of international control and other organizations useful for arms control and disarmament;

(f) Training of control system personnel

the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(g) Danger of war from accident, miscalculation, or surprise attack

the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) Economic and political consequences of disarmament

the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) Disarmament implications of foreign and national security policies of United States

the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(j) National security and foreign policy implications of disarmament

the national security and foreign policy implications of arms control and disarmament pro-

<sup>1</sup> So in original. Probably should be followed by a comma.

posals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) Methods for maintenance of peace and security during stages of disarmament

methods for the maintenance of peace and security during different stages of arms control and disarmament;

(l) War prevention factors

the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;

(m) Other related problems

such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this chapter.

(Pub. L. 87-297, title III, § 31, Sept. 26, 1961, 75 Stat. 833; Pub. L. 88-108, § 5, Nov. 26, 1963, 77 Stat. 342; Pub. L. 98-108, § 3, Aug. 17, 1977, 91 Stat. 871; Pub. L. 97-339, § 4, Oct. 16, 1982, 96 Stat. 1836.)

#### AMENDMENTS

1982 Subsec. (c) Pub. L. 97-339 inserted "and of all aspects of anti-satellite activities".

1977 Pub. L. 95-108 struck out "United States" before "private" in cl. (3) of opening par.

1963 Pub. L. 88-108 inserted "United States" before "private" in cl. (3) of opening par.

#### REPORT ON INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS

Pub. L. 93-293, title III, § 302, July 13, 1973, 86 Stat. 498 provided that the Arms Control and Disarmament Agency with the cooperation of other agencies, prepare a comprehensive report on the international transfer of conventional arms and submit this report no later than one year after July 13, 1973, with an interim report submitted no later than six months after July 13, 1972.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3579 of this title.

§ 3572. Patents; availability to general public; protection of background rights

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this chapter, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. This section shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

(Pub. L. 87-297, title III, § 32, Sept. 26, 1961, 75 Stat. 834.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 710

#### § 3573. Policy formulation

The Director is authorized and directed to prepare, for the President, the United States, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy. That no action shall be taken under chapter or any other law that will obligate United States to disarm or to reduce or limit the Armed Forces or armaments of the United States, pursuant to the treaty or power of the President under the Constitution or unless authorized by further legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action of Government which would be inconsistent with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, recreation, education, or training.

(Pub. L. 87-297, title III, § 33, Sept. 26, 1961, 75 Stat. 834; Pub. L. 88-108, § 3, Nov. 26, 1963, 77 Stat. 342.)

#### AMENDMENTS

1963 Pub. L. 88-108 inserted provision prohibiting construction of this chapter to authorize the issue of the possession of firearms by an individual.

#### § 3574. Negotiations and related functions

Under the direction of the Secretary of State—

(a) Consultation with the representatives of United States and other nations

The Director, for the purpose of conducting negotiations concerning arms control and disarmament or for the purpose of exercising other authority given him by this chapter, (1) consult and communicate with or direct consultation and communication with representatives of other nations or of international organizations and (2) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

(b) Official policy on arms control to United States Information Agency for dissemination

The Director shall perform functions authorized to section 2(c) of Reorganization Plan 1963 with respect to providing to the United States Information Agency official statements and policy on arms control and disarmament matters for dissemination.

(c) Plans for inspection and control system

The Director is authorized (1) to formulate and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of United States arms control and disarmament activities, and (2) as authorized by law, into effect, direct, or otherwise assume United States responsibility for such systems.

(Pub. L. 87-297, title III, § 34, Sept. 26, 1961, 75 Stat. 834.)



the Nation was 'in ruins' when he took office. From the panic of bank depositors which greeted his inauguration he concludes that the Republicans did it."

"That incident is still used to justify his abandoned promises. It is still used as the excuse for the attempt to transform the fate of a nation. We may, therefore, explore a little further into this particular question."

"I hardly need restate the fact, now well established by disinterested economists the world over, that America was shaking itself clear of the depression, under its Republican Administration, in June-July, 1932. The whole world started forward. Prosperity had actually swung around the corner and was on its way up the street of our national life when it encountered the change in national policies. After Mr. Roosevelt's election in 1932 we alone of all great nations were set back. Most other nations continued forward."

"The causes which produced that skid in national progress are now a matter of documented public record available to everybody."

"I may mention just one incident. On February 17, 1933, fifteen days before Mr. Roosevelt's inauguration it had become apparent that a panic was inevitable unless Mr. Roosevelt would co-operate to allay fear. I, as President of all the people, addressed to Mr. Roosevelt as President-elect of all the people a personal appeal in my own handwriting which was delivered personally to him by a trusted messenger. It contained these words:"

"A most critical situation has arisen. The major difficulty is the state of public mind . . . a statement by you upon two or three policies of your administration would restore public confidence . . . by the removal of fear."

"With the election there came the natural and inevitable hesitation. . . . A number of discouraging things have happened on top of this. . . . The breakdown in balancing the budget. . . . The proposals for inflation . . . the publication of R. F. C. loans [by the Democratic Congress] . . . a state of alarm . . . rapidly reaching a crisis . . . flight of capital . . . foreign withdrawals of gold . . . hoarding. It is obvious that you . . . are the only one who can give prompt assurance that there will be no tampering or inflation of the currency, that the budget will be unquestionably balanced."

"But no such assurance was forthcoming. In a word I asked that the whispers of speculators and others that Mr. Roosevelt did not intend to keep his campaign promises should be stopped by an emphatic public confirmation of those promises. That those speculators and insiders were

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right was plain enough later on. This first contact of the 'money changers' with the New Deal netted those who removed their money from the country a profit of up to 60 per cent when the dollar was debased."

"The urgent necessity for the President-elect to make such a statement to stop the panic was urged by others including the Advisory Council of the Federal Reserve Board and by responsible newspapers. The usual reply is that the President-elect had no responsibilities until March 4. There are a dozen answers to that. One is that every American citizen has a responsibility. Another is that as President-elect he had not hesitated on December 29, 1932, to take the unprecedented responsibility of ordering the Democratic Congress to oppose the steps I had taken to balance the budget."

"Having got the Nation into that hole, the administration showed great determination and speed in getting us out. For this latter they deserve credit."

"That unnecessary bank panic created a temporary slump in the upward movement of farm and other prices and employment. And we listen every day to the New Dealers chant like a Greek chorus of the doleful bottom from which they started."

"Some of their spokesmen are so tragic as to announce that the 'tramp of revolution' was in the air. Those young men have yet to learn that bank depositors even in a panic have not been known to lead revolutions. A sane people with a heritage of orderly democracy do not revolt by violence. America had no thought of revolution. But revolution was in the minds of the Brain Trust. They had nothing else on their minds. However they did deeply touch the national funny-bone."

"These men did use the occasion to grasp for power. They did try to impose a new system on the American people. For months they called it the Roosevelt Revolution. They liked that word revolution for quite a while! The implication of that thrilling heroic word has now been softened to the soothing idea of a more abundant life."

Speaking at Philadelphia on October 17, 1936, Hoover said:

"The President in this last Pittsburgh speech implies delicately that he brought about recovery from the depression. His minions of course shout it."

"We can examine this also for a moment. The origins of this depression are agreed on by almost every economist, every scholar, every informed statesman in the world. It was the inexorable and inevitable world-wide aftermath of the World War. Its causes lay in the pit of

destruction duly engaged. Our But this depressed States. No more governments could and their saving Caribbean hurt

"Likewise the one official or result of a bill to repair the broken citizens in recovery

"That the United States is a socialist, every scholar before Mr. Roosevelt countries without further and faster

"Mr. Roosevelt's vision of the United States recovery. He does not fear that he will devalue the currency. He does not Republican political panics to the United States recovery that we

"He paints a picture from the bank panic implies that the air. Mr. Roosevelt's vision of the United States recovery which has been in the previous years there had not been industrial riots."

"And today he is drawing the country from the figures to prove the recovery drawn before his devaluation of the dollar necessary forcing of the dollar to the

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## *To Rescue Agriculture*

outlines of a bill fashioned on the voluntary domestic allotment plan was reached.

A large and important agricultural conference was held in Washington, D. C., December 12-14, 1932, with representatives of practically all of the national cooperatives, the three national farm organizations, the farm press and other agricultural leaders.

The conference agreed unanimously in the formulation of specific recommendations for a bill. The bill was drafted and introduced in January, 1933. It was opposed by the then Secretary of Agriculture Hyde, and although it was passed in the House, the Congress adjourned before the Senate took final action upon it.

Four days after my Inauguration, Secretary of Agriculture Wallace at my request announced a meeting of representative farm leaders for March 10, 1933, in order to agree upon a farm program which would affect that year's crops. As I pointed out in the foregoing Message, speed was essential in order to avoid additional surpluses being accumu-

lated by the 1933 crop. This conference of fifty farm leaders met on March 10, 1933. They agreed on recommendations for a bill, which were presented to me at the White House on March 11th by a committee of the conference, who requested me to call upon the Congress for the same broad powers to meet the emergency in agriculture as I had requested for solving the banking crisis.

Three days later I sent the proposed bill, which had been drafted in accordance with the recommendations of the conference, to the Congress, accompanied by the foregoing message. It was the most drastic and far-reaching piece of farm legislation ever proposed in time of peace.

The bill was passed on May 10, 1933, and signed by me on May 12th, with a statement which is printed as Item 54, this volume.

In the meantime in anticipation of the passage of the bill, in conferences between Administration leaders and farm representatives, the organization and set-up of the Agricultural Adjustment Administration were decided upon.

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certain judgment for \$9,277,666.17 entered in the office of the clerk of the District Court of the United States for the Southern District of California at Los Angeles on January 14, 1933, against the Pan American Petroleum Company, a corporation, to release from claim or lien under said judgment such part or portions of the property and assets of the said Pan American Petroleum Company and the Richfield Oil Company of California, in such manner and with such reservations as shall seem to him proper and advisable, in consideration of payments to the United States to apply upon said judgment, of not less than the sum of \$5,000,000, and in connection therewith to release any claims of the United States against purchasers of oil and petroleum products from the leases commonly known as "E", "I", and "G" leases, or also known as Visalia 010042, 010043, and 010097 leases in naval petroleum reserve numbered 1, Kern County, California, and to consent, in the premises, to the assignment of other oil and gas leases in said naval petroleum reserve numbered 1, now part of the unmortgaged assets of Pan American Petroleum Company, with the concurrence of the Secretary of the Navy and to the assignment of other oil and gas leases, also part of the unmortgaged assets of Pan American Petroleum Company, of the United States outside the said naval petroleum reserve numbered 1, with the consent of the Secretary of the Interior, said assignments to be authorized only to assignees otherwise duly qualified under existing laws: *Provided*, That the authority herein granted is permissive only, and shall not be construed as a declaration of approval by Congress of the compromise herein authorized to be made, and that said authority shall not be exercised by the Attorney General unless in his judgment said compromise shall appear to him to be for the best interests of the United States.

Approved, May 3, 1933.

*Proviso.*  
Approval not im-  
plied.

*Exercise of authority*  
optional.

#### [CHAPTER 25.]

#### AN ACT

To relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes.

May 12, 1933.  
[H. R. 3535.]

[Public, No. 10.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Agricultural Adjust-  
ment Act.  
Publ. p. 199.

### TITLE I—AGRICULTURAL ADJUSTMENT

AGRICULTURAL AD-  
JUSTMENT.

#### DECLARATION OF EMERGENCY

That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of title I of this Act.

Declaration of emer-  
gency.

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## Declaration of policy.

## DECLARATION OF POLICY

Balance between production and consumption to be established, etc.

Base period, except for tobacco.  
For tobacco.

Correcting present inequalities.

Protecting consumers' interest.

SEC. 2. It is hereby declared to be the policy of Congress—

(1) To establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish prices to farmers at level that will give agricultural commodities a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of agricultural commodities in the base period. The base period in the case of all agricultural commodities except tobacco shall be the prewar period, August 1909–July 1914. In the case of tobacco, the base period shall be the postwar period, August 1919–July 1929.

(2) To approach such equality of purchasing power by gradual correction of the present inequalities therein at as rapid a rate as is deemed feasible in view of the current consumptive demand in domestic and foreign markets.

(3) To protect the consumers' interest by readjusting farm production at such level as will not increase the percentage of the consumers' retail expenditures for agricultural commodities, or products derived therefrom, which is returned to the farmer, above the percentage which was returned to the farmer in the prewar period, August 1909–July 1914.

## COTTON OPTION CONTRACTS.

## PART 1—COTTON OPTION CONTRACTS

Duties of designated agencies.

Cotton on hand to be sold to Secretary of Agriculture.

Acquiring full title on which money has been loaned, etc.

Method of settlements.

Price to amount loaned.

Senior loans.

Collateral.  
Computation.

Cotton held as collateral for loans, etc.

SEC. 3. The Federal Farm Board and all departments and other agencies of the Government, not including the Federal intermediate credit banks, are hereby directed—

(a) To sell to the Secretary of Agriculture at such price as may be agreed upon, not in excess of the market price, all cotton now owned by them.

(b) To take such action and to make such settlements as are necessary in order to acquire full legal title to all cotton on which money has been loaned or advanced by any department or agency of the United States, including futures contracts for cotton or which is held as collateral for loans or advances and to make final settlement of such loans and advances as follows:

(1) In making such settlements with regard to cotton, including operations to which such cotton is related, such cotton shall be taken over by all such departments or agencies other than the Secretary of Agriculture at a price or sum equal to the amounts directly or indirectly loaned or advanced thereon and outstanding, including loans by the Government department or agency and any loans senior thereto, plus any sums required to adjust advances to growers to 90 per centum of the value of their cotton at the date of its delivery in the first instance as collateral to the department or agency involved, such sums to be computed by subtracting the total amount already advanced to growers on account of pools of which such cotton was a part, from 90 per centum of the value of the cotton to be taken over as of the time of such delivery as collateral, plus unpaid accrued carrying charges and operating costs on such cotton, less, however, any existing assets of the borrower derived from net income, earnings, or profits arising from such cotton, and from operations to which such cotton is related; all as determined by the department or agency making the settlement.

(2) The Secretary of Agriculture shall make settlements with respect to cotton held as collateral for loans or advances made by him on such terms as in his judgment may be deemed advisable,

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and to carry out the provisions of this section, is authorized to indemnify or furnish bonds to warehousemen for lost warehouse receipts and to pay the premiums on such bonds.

Indemnification of lost receipts.

When full legal title to the cotton referred to in (b) has been acquired, it shall be sold to the Secretary of Agriculture for the purposes of this section, in the same manner as provided in (a).

Sale of, to Secretary of Agriculture.

(c) The Secretary of Agriculture is hereby authorized to purchase the cotton specified in paragraphs (a) and (b).

Purchase authorized.

SEC. 4. The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and deposit as collateral for such loans the warehouse receipts for such cotton.

Secretary may borrow, using warehouse receipts as collateral.

SEC. 5. The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture to acquire such cotton and to pay the classing, carrying, and merchandising costs thereon, in such amounts and upon such terms as may be agreed upon by the Secretary and the Reconstruction Finance Corporation, with such warehouse receipts as collateral security: *Provided, however,* That in any instance where it is impossible or impracticable for the Secretary to deliver such warehouse receipts as collateral security for the advances and loans herein provided to be made, the Reconstruction Finance Corporation may accept in lieu of all or any part thereof such other security as it may consider acceptable for the purposes aforesaid, including an assignment or assignments of the equity and interest of the Secretary in warehouse receipts pledged to secure other indebtedness. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

Reconstruction Finance Corporation. Loans by, authorized.

Proviso. Security other than warehouse receipts.

Obligations of Corporation increased. Vol. 47, p. 8.

SEC. 6. (a) The Secretary of Agriculture is hereby authorized to enter into option contracts with the producers of cotton to sell to any such producer an amount of cotton to be agreed upon not in excess of the amount of reduction in production of cotton by such producer below the amount produced by him in the preceding crop year, in all cases where such producer agrees in writing to reduce the amount of cotton produced by him in 1933, below his production in the previous year, by not less than 30 per centum, without increase in commercial fertilization per acre.

Option contracts to sell cotton to producer in lieu of crop production, 1933.

Written agreement to reduce production.

(b) To any such producer so agreeing to reduce production the Secretary of Agriculture shall deliver a nontransferable option contract agreeing to sell to said producer an amount, equivalent to the amount of his agreed reduction, of the cotton in the possession and control of the Secretary.

Nontransferable option contracts.

(c) The producer is to have the option to buy said cotton at the average price paid by the Secretary for the cotton procured under section 3, and is to have the right at any time up to January 1, 1934, to exercise his option, upon proof that he has complied with his contract and with all the rules and regulations of the Secretary of Agriculture with respect thereto, by taking said cotton upon payment by him of his option price and all actual carrying charges on such cotton; or the Secretary may sell such cotton for the account of such producer, paying him the excess of the market price at the date of sale over the average price above referred to after deducting all actual and necessary carrying charges: *Provided,* That in no event shall the producer be held responsible or liable for financial loss incurred in the holding of such cotton or on account of the carrying charges therein: *Provided further,* That such agreement to curtail

Producer's option to buy, at price paid by Secretary.

Secretary may sell, for producer's account.

Net profits to insure to producer.

Proviso. Liability for loss.

Use of land restricted.

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cotton production shall contain a further provision that such cotton producer shall not use the land taken out of cotton production for the production for sale, directly or indirectly, of any other nationally produced agricultural commodity or product.

(d) If any cotton held by the Secretary of Agriculture is not disposed of under subsection (c), the Secretary is authorized to enter into similar option contracts with respect to such cotton, conditioned upon a like reduction of production in 1934, and permitting the producer in each case to exercise his option at any time up to January 1, 1935.

SEC. 7. The Secretary shall sell the cotton held by him at his discretion, but subject to the foregoing provisions: *Provided*, That he shall dispose of all cotton held by him by March 1, 1936: *Provided further*, That the Secretary shall have authority to enter into additional option contracts for so much of such cotton as is not necessary to comply with the provisions of section 6, in combination with benefit payments as provided for in part 2 of this title.

Commodity benefits.

## PART 2—COMMODITY BENEFITS

General powers.

### GENERAL POWERS

Secretary of Agriculture.

SEC. 8. In order to effectuate<sup>1</sup> the declared policy, the Secretary of Agriculture shall have power—

To reduce production of basic agricultural commodities.

(1) To provide for reduction in the acreage or reduction in the production for market, or both, of any basic agricultural commodity, through agreements with producers or by other voluntary methods, and to provide for rental or benefit payments in connection therewith or upon that part of the production of any basic agricultural commodity required for domestic consumption, in such amounts as the Secretary deems fair and reasonable, to be paid out of any moneys available for such payments. Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any non-perishable agricultural commodity on the farm, inspection and measurement of any such commodity so stored, and the locking and sealing thereof, and such other regulations as may be prescribed by the Secretary of Agriculture for the protection of such commodity and for the marketing thereof, a reasonable percentage of any benefit payment may be advanced on any such commodity so stored. In any such case, such deduction may be made from the amount of the benefit payment as the Secretary of Agriculture determines will reasonably compensate for the cost of inspection and sealing, but no deduction may be made for interest.

Rental or benefit payments.

Storage of nonperishable commodities on the farm, etc.

Protection, marketing, etc.

Advances, deduction for inspection costs, etc.

To enter into marketing agreements with respect to any agricultural commodity, etc.

Not to be held as violating antitrust laws.

Period. Duration of agreement. Loans to parties entering agreement; limitation.

(2) To enter into marketing agreements with processors, associations of producers, and others engaged in the handling, in the current of interstate or foreign commerce of any agricultural commodity or product thereof, after due notice and opportunity for hearing to interested parties. The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful: *Provided*, That no such agreement shall remain in force after the termination of this Act. For the purpose of carrying out any such agreement the parties thereto shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act. Such loans shall not be in excess of such amounts as may be authorized by the agreements.

<sup>1</sup> So in original.

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(3) To issue licenses permitting processors, associations of producers, and others to engage in the handling, in the current of interstate or foreign commerce, of any agricultural commodity or product thereof, or any competing commodity or product thereof. Such licenses shall be subject to such terms and conditions, not in conflict with existing Acts of Congress or regulations pursuant thereto, as may be necessary to eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy and the restoration of normal economic conditions in the marketing of such commodities or products and the financing thereof. The Secretary of Agriculture may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the Secretary suspending or revoking any such license shall be final if in accordance with law. Any such person engaged in such handling without a license as required by the Secretary under this section shall be subject to a fine of not more than \$1,000 for each day during which the violation continues.

(4) To require any licensee under this section to furnish such reports as to quantities of agricultural commodities or products thereof bought and sold and the prices thereof, and as to trade practices and charges, and to keep such systems of accounts, as may be necessary for the purpose of part 2 of this title.

(5) No person engaged in the storage in a public warehouse of any basic agricultural commodity in the current of interstate or foreign commerce, shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding, without prior surrender and cancellation of such warehouse receipt. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. The Secretary of Agriculture may revoke any license issued under subsection (3) of this section, if he finds, after due notice and opportunity for hearing, that the licensee has violated the provisions of this subsection.

#### PROCESSING TAX

SEC. 9. (a) To obtain revenue for extraordinary expenses incurred by reason of the national economic emergency, there shall be levied processing taxes as hereinafter provided. When the Secretary of Agriculture determines that rental or benefit payments are to be made with respect to any basic agricultural commodity, he shall proclaim such determination, and a processing tax shall be in effect with respect to such commodity from the beginning of the marketing year therefor next following the date of such proclamation. The processing tax shall be levied, assessed, and collected upon the first domestic processing of the commodity, whether of domestic production or imported, and shall be paid by the processor. The rate of tax shall conform to the requirements of subsection (b). Such rate shall be determined by the Secretary of Agriculture as of the date the tax first takes effect, and the rate so determined shall, at such intervals as the Secretary finds necessary to effectuate the declared policy, be adjusted by him to conform to such requirements. The processing tax shall terminate at the end of the marketing year current at the time the Secretary proclaims that rental or benefit payments are to be discontinued with respect to such commodity. The marketing year for each commodity shall be ascertained and

To issue licenses, per-  
mitting handling of  
any agricultural com-  
modity or competing  
product thereof.  
Terms of issue.  
Concurrent Resolu-  
tions, p. 1.

Licenses may be sus-  
pended or revoked.

Secretary's order fi-  
nal.

Penalty for violation.

To require licensee  
to furnish reports and  
to keep system of ac-  
counts.

Removal, on which  
warehouse receipt is  
outstanding, unlawful.

Punishment for.

Revocation of license  
for violation.

Processing tax.

Levy of, to meet eco-  
nomic emergencies.

Rental, etc., pay-  
ments.

Effective date of tax.

Levy, assessment,  
etc.

Rate.

Termination.

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# MODEL RESOLUTION FOR USE IN ALL STATE LEGISLATURES

State of \_\_\_\_\_

Senate Joint Resolution No. \_\_\_\_\_ Introduced by State Senator \_\_\_\_\_

Whereas, The safety and security of the United States must be paramount in the concerns of the legislatures of the various states; and

Whereas, In the Tenth Amendment of the Constitutional Compact, certain rights are reserved to the states respectively, or to the people, and

Whereas, Recognizing that our national security, peace, and independence will be reduced, not increased, following the course of action laid down in the Intermediate-range Nuclear Force (INF) Treaty; as well as in further disarmament treaties which are now being readied for enactment; and

Whereas, Millions of our nation's people are destined to fall victim to atrocities committed by terrorists aligned along our borders, as well as by terrorists within our borders, should the series of treaties be implemented; and

Whereas, It is wrong to wait until after inhabitants of our cities are faced with the dreadful task of fighting for their lives, city by city, as terrorists and other enemies of our country invade the nation, encouraged by the combination of our loose borders and the enactment of disarmament treaties; and

Whereas, The least discussed danger inherent in the INF Treaty is the "Verification Process"; and

Whereas, the "Verification Process" is the basis for continual divestiture of our weapons of national and state defense and is to be used to verify the disbanding of our nation's armed forces and subsequent transference of these forces to the command and control of the United Nations which will permanently use them to constitute a "world (so-called) "peace-keeping force" under the command of various countries of the world, including those communist countries which constitute the membership of the United Nations; and

Whereas, the same Disarmament Program calls for the disbanding of our military bases, while those remaining are to be converted for use by the United Nations (so-called) "peace-keeping force" and

Whereas, It is essential to the preservation of the United States as a republic, and to the preservation of the Constitutional Compact, that the various states not be required to yield their common defense nor their states' militias to United Nations' command and control; and

Whereas, There is a circumstance provided for in international affairs (Rebus Sic Stantibus) whereby treaties cease to be obligatory if conditions surface and information unveils which is the reverse of the original exaltations; and

Whereas, The INF Treaty bans all production and flight testing of our most threatening (to the enemy) missiles of defense, and requires the elimination and total destruction of defensive short and medium range missiles, all of which is prescribed in great details within the INF



Treaty, with all facilities for deployment, storage, repair and production banned, to which enemies of our nation, as resident inspectors for 13 years, are monitoring these prescribed acts of destruction in our most key and secret military installations; and

Whereas, Such treaties violate sections of our United States Constitution and the Preamble of the United States Constitution which requires that an army and navy be provided for the common defense of the states and the people; and

Whereas, It is appalling that the legislators as individuals, and legislatures as collective bodies, are expected to support such unconstitutional and dangerous treaties; and

Whereas, These treaties are spawned by Public Law 87-297, recently updated, which calls for "the elimination of weapons of all kinds", including conventional weapons, evidencing the documented policy of "General and Complete Disarmament" of this nation, "...down to the last gun..", (excepting those of the world (so-called) "peace-keeping force" and the force described in State Department Document 7277 which is a force "to preserve internal order"); and

Whereas, Public Law 87-297 and the United States Program for General and Complete Disarmament In a Peaceful World are responsible for the efforts by some to disarm the civilian population of the United States who own personal firearms; and

Whereas, These treaties for disarmament conflict with the principles of the United States Constitution, which require in Article VI, Section 2, that the United States Constitution be the Supreme Law of the Land and that all laws shall be in pursuance thereof; and

Whereas, Our third president, Thomas Jefferson, clarified the issue of the treaty-making power thusly: "...To those who consider the grant of the treaty-making power as boundless....if it is, then we have no Constitution!", which makes known the fact that the treaty-making power was not designed to destroy essentials of United States government; and

Whereas, Our state constitution calls for our State of \_\_\_\_\_ to be an inseparable part of the United States Constitution; and

Whereas, Members of our legislature and other public officials in this state have taken a sworn oath to support and defend the United States Constitution and the Constitution of the State of \_\_\_\_\_; and

Whereas, It is incumbent upon the states, (from whom the national government received a limited delegation of power, which was not to be exceeded, and so stated in the Tenth Amendment thusly: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people,") and this State of \_\_\_\_\_, in conjunction with the other states, to call for a permanent cessation of unconstitutional acts and treaties which not only violate our oath of office as well as the Constitution of the United States, but which also place the states in the hands of our sworn enemies, with continual inveiglement of the states to participate in acts leading to their own dimishment of authority; and

Whereas, the full and true nature of Public Law 87-297, the Arms Control and Disarmament Act has not been made known to the people of this state, and therefore it is proceeding in seriously altering the governmental system without the consent of the governed; and

Whereas, Once an invention has been invented there is no way to uninvent it, and whatever weapons the enemies of our country may possibly acquire, it is essential that our nation hold a safe level of equal weapons with which to protect and defend itself and to deter aggressors; and

Whereas, According to Section 256 of Volume Sixteen of American Jurisprudence, Second: "The general rule is that an unconstitutional statute... though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose.... An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed.... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, afford no protection, and justifies no acts performed under it.... No one is bound to obey an unconstitutional law and no courts are bound to enforce it." ;and

Whereas, The national government has construed the limited powers delegated to it so as to give itself unlimited powers; and

Whereas, James Madison has advised that, in case of a deliberate, palpable and dangerous exercise of other powers not granted by the (Constitutional) Compact, the states (who are parties thereto) have the right and are duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them; now therefore, be it

RESOLVED BY THE SENATE AND THE ASSEMBLY OF THE STATE OF \_\_\_\_\_, jointly, That the legislature of this state opposes ratification of the INF Treaty, and opposes ratification of further disarmament treaties, as well as the ratification of the Human Rights Treaties, which have for their purpose the superimposing of an International Bill of Rights over our own esteemed 1791 Bill of Rights, which if superseded will spell the end of our sovereignty; and be it further

RESOLVED, That these treaties are wrongfully heralded as efforts toward world peace and security for the states of this union; and be it further

RESOLVED, That the legislature of the State of \_\_\_\_\_ requests the Governor to join with us in calling for the INF Treaty to be declared unconstitutional and therefore null and void; and be it further

RESOLVED, That the governor is requested to join the legislature in informing the national government that the national government is not the exclusive judge of the extent of the powers delegated to it, but the states who are parties to the Constitutional Compact, being sovereign and independent, do have the unquestionable right to judge the national government in regard to its misuse of the treaty power; and be it further

RESOLVED, That the legislature, instruct the two senators representing the State of \_\_\_\_\_ in the United States Senate to introduce legislation to rescind Public Law 87-297, which is the source of unconstitutional actions now being engaged in by the federal government; and be it further

RESOLVED, That the State of \_\_\_\_\_ enlist the support of our sister states in taking necessary steps to prevent the annihilation of our Constitutional system of government, which is dependent upon an armed nation, a state and national military defense, our 1791 Bill of Rights and proper usage of the treaty-making power; and be it further

RESOLVED, That the Secretary of the Senate of this state transmit copies of this resolution to the President and Vice-President of the United States, to the Secretary of State of the United States, to the Chief Justice of the United States Supreme Court, to each member of both houses of the Congress of the United States, to the Governor of this state, and to the governors and legislatures of the other 49 states as well.

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*"Salus reipublicae suprema lex"*

"The safety of the State is the highest law."

*"Senatoris est civitatis libertatem tueri."*

"It is the duty of the Senators to protect the liberty of the people."

Suggested by:

Committee For Constitutional Treaties  
P.O. Box 1776  
Hanford, California 93230





© George Goodwin, Montkneyer

The Statue of Liberty, a symbol of the United States and a beacon of freedom for immigrants, stands on Liberty Island in New York Harbor. France gave the Statue of Liberty to the United States in 1884 as an expression of friendship. The monument rises above star-shaped Fort Wood, built during the early 1800's.

**Statue of Liberty** is the majestic copper sculpture that towers above Liberty Island at the entrance to New York Harbor in Upper New York Bay. This famous figure of a robed woman holding a torch is one of the largest statues ever built. The statue's complete name is *Liberty Enlightening the World*.

The Statue of Liberty was given to the people of the United States by the people of France in 1884. This gift was an expression of friendship and of the ideal of lib-

erty. Every year, millions of people visit the Statue of Liberty. The Statue of Liberty and the former immigration station at Ellis Island make up the Statue of Liberty National Monument, which is administered by the National Park Service. Major repairs and improvements of the statue began during the early 1980's. This huge restoration project was completed in 1986—the hundredth anniversary of the dedication of the Statue of Liberty in the United States.

# UNLESS YOU KNOW THIS ... YOUR GUNS WILL SOON BE HISTORY!

**PUBLIC LAW 87-297** is further explained in the **STATE DEPARTMENT DOCUMENT**, called **PUBLICATION 7277**. Your librarian can furnish you a copy of this publication. Also ask the librarian to get you a copy of **"THE BLUEPRINT FOR THE PEACE RACE."** It is a 35-page booklet, printed by the United States Arms Control & Disarmament Agency as **PUBLICATION NO. 4 — GENERAL SERIES 3 — RELEASED MAY, 1962**. Publication No. 4 is the **UNABRIDGED** version of **STATE DEPARTMENT DOCUMENT 7277**.

Both of these booklets explain how our military forces are to be reduced. China and Russia are to be reduced to the same level. During Stage One, we are to transfer one-half of our armed forces to the U.N. to be **PERMANENTLY MERGED** with the Russian and Chinese armies. In Stage Two, the remaining one-half of our armed forces is then turned over to this same Security Council of the United Nations. **THE PERSON IN CHARGE OF THE MERGED ARMIES MUST, BY LONGSTANDING AGREEMENT, ALWAYS BE A RUSSIAN.** The world's smaller nations will turn 100% of their armies over to the same under-secretary of the Security Council in Stage Two.

## TURN TO PAGE 558

On this page in Volume 9 of the **UNITED STATES CODE**, read "Policy formation." The directives there (written in 1963 to pacify objectors) are supposedly to restrain anyone from disarmament, reducing or limiting our armaments, or taking guns from the people, **UNLESS IT IS PURSUANT TO THE TREATY-MAKING POWER OF THE PRESIDENT, OR AUTHORIZED BY FURTHER LEGISLATION BY THE CONGRESS.**

Every couple of years the House of Representatives votes to appropriate funds for this on-going program. Since P.L. 87-297 was first passed into law in 1961, there have been 18 updates to it ... all bad ... **WITH NO DELETIONS OF THESE UNCONSTITUTIONAL, UN-AMERICAN PROVISIONS. THE CONGRESS KNOWS THAT THE PLAN INCLUDES THE POLICING OF THE UNITED STATES BY FOREIGN TROOPS. THIS WORLD ARMY IS NOW BEING FORMED! AS OUR MILITARY BASES ARE CLOSED DOWN, WE ARE ALREADY TURNING SOME OF THOSE BASES OVER TO THE U.N. FOR THE CREATION AND TRAINING OF U.N. FORCES. YOU WILL FIND THAT PLAN IN PUBLICATION 7277 AND IN "THE BLUEPRINT FOR THE PEACE RACE."**

If a "Constitutional Convention" can be promoted and convened, you will see a new socialist (communist) constitution submitted for approval (at least two are already prepared and ready), **ONE OF WHICH STATES, IN ARTICLE VIII, SECTION 12: "NO PERSON SHALL BEAR ARMS OR POSSESS LETHAL WEAPONS EXCEPT THE POLICE AND MEMBERS OF THE ARMED FORCES..."** The Congress has praised these documents and is on record in Senate hearings seeking ways to install these constitutions. Ask your librarian for "Revision of the United Nations Charter—Hearings Before A Subcommittee (Foreign Relations) February 2-20, 1950 U.S. Government Printing Office." **THIS DOCUMENT IS STILL VIABLE AND NOTHING HAS CHANGED SINCE THAT TIME.**

There has never been any "consent of the governed" to allow the disarmament of the American people (individually) or to allow the disarmament of the United States by transferring the control of the U.S. Armed Forces to a foreign command or integrating them into a United Nations Military Force to implement and enforce a One World Government. This new world-wide government and economic system is now openly referred to as the **NEW WORLD ORDER**. This very term has been used by the leaders of the Conspiracy since the late 1700's. This is the final goal envisioned and pursued by the Socialists, Communists, Zionists, Atheists, Humanists and other anti-national, anti-freedom, anti-family, anti-God and anti-Christian forces which formulated the diabolical plan.

**UNLESS YOU UNDERSTAND WHAT IS GOING ON WITH THE TREATY PROCESS, THE UNITED NATIONS ORGANIZATION, GUN CONTROL LEGISLATION, AND U.S. FOREIGN POLICY, YOU WILL LOSE YOUR FIREARMS, YOUR COUNTRY AND YOUR FREEDOM!**

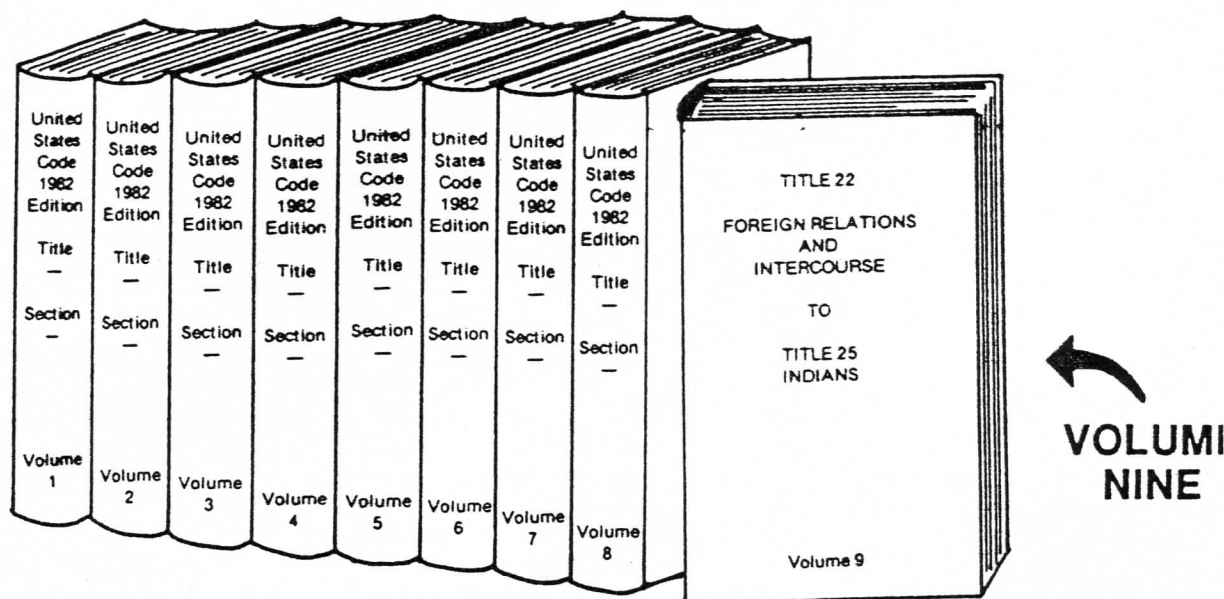
Wake up and stand up now you apathetic, cowardly, naive Americans, or one day you will regret your inaction, and your children and grandchildren will curse you for the tyranny and slavery they will suffer.



For more information write:  
**AMERICAN PISTOL AND RIFLE ASSOCIATION**  
BOX USA • BENTON, TENNESSEE 37307 • MEMBERSHIP — \$20.00/YEAR



# DO YOU WANT TO KNOW WHY PUBLIC OFFICIALS AND THE MEDIA ELITE ARE WORKING TO TAKE AWAY YOUR FIREARMS?



**IF YOU DO WANT TO KNOW WHY**, go to your local library, no matter where you live in the United States. Tell the librarian to show you where the "United States Code" books are shelved. There are 25 books in the set. They are reddish-brown in color. They are printed by the Government Printing Office in Washington, D.C. These hardcover books are printed every 8 to 10 years. They are updated with annual soft-back supplements each year until a new hard-cover issue comes out. At the present time the 1982 hardbacks are on the library shelves.

## OPEN VOLUME 9

The **PAGE NUMBERS** are set in the center near the middle binding. The **SECTION NUMBERS** (§) are along the edges.

## TURN TO PAGE 554

Here you will find **PUBLIC LAW 87-297** which calls for the United States to **ELIMINATE ITS ARMED FORCES**. This was signed into law in 1961 by President John F. Kennedy, and every president since has worked to enact its provisions. Government officials know you will not approve, which is why they want to take away your firearms.

## TURN TO PAGE 555

Here you will find the definition of what the government means by "Disarmament." Find it on the lower right hand side of the page. This disarmament calls for the **ELIMINATION OF OUR ARMED FORCES**. It also calls for the **ELIMINATION OF WEAPONS OF ALL KINDS**.

## TURN TO PAGE 557

Here you will find it stated as **ITEM (a)** "... Control, reduction and **ELIMINATION OF ARMED FORCES** ..." and again as **ITEM (d)** "... **ELIMINATION OF ARMED FORCES** ..." What you need to know is that your armed forces are being eliminated from national control which, in turn, **WIPES OUT OUR SOVEREIGNTY AS A NATION**. In two stages we shall have **NO MORE ARMY, NO MORE NAVY, and NO MORE AIR FORCE**. In the third stage we shall have **"ZERO" military**. Before Stage One closes, **ALL CITIZEN-OWNED GUNS WILL BE BANNED**.

**Do you want the U.S.A. disarmed, our national sovereignty abolished, and our once independent nation ruled by a world government (the U.N.)? Do you want our people disarmed and defenseless, and our country occupied by foreign "peace keeping" forces?**



51.71:26



# OUR FOREIGN POLICY

**OUR  
FOREIGN  
POLICY**

DEPARTMENT OF STATE PUBLICATION 5971  
GENERAL FOREIGN POLICY SERIES 26 • RELEASED SEPTEMBER 1950  
DIVISION OF PUBLICATIONS • OFFICE OF PUBLIC AFFAIRS

## foreword



### TO MY FELLOW AMERICANS:

At a time when the duties of citizenship fall heavily on thousands of young Americans, there is a duty that all of us can and should impose on ourselves: to be well informed about the problems that face our country; to weigh the facts, to understand the issues, and to form our own opinions and judgments.

This is not an easy undertaking. But it is necessary if we Americans, as a people, are to exert our full influence for peace and freedom and justice.

The following brief survey of American aims and policies was prepared at my suggestion. I think it is sometimes useful to sum up and set down as simply and clearly as possible what we are after in our relations with other governments and other peoples.

It is not possible, of course, to tell the whole story of American foreign relations in these few pages. But if the part of the story that is told here contributes something to your understanding, if it leads you to other sources of information, and if it helps you to form sound judgments, then it will have served its purpose.

Harry Truman





# our foreign policy

## ITS ROOTS

There is no longer ~~any~~ real distinction between "domestic" and "foreign" affairs.

Practically everything we do, the way we tax and spend our national income, the way we run our public and private business, the way we settle the differences among ourselves and with other nations, what we say in our newspapers, over the air and on public platforms, our attitudes toward each other and toward other peoples—all these things affect not only our security and well being at home, but also our influence abroad.

All these things go into the making of the character, the personality and the reputation of the United States. Out of all these things grow the foreign policies of the United States.

Policies are an expression of the national interests.

That is a way of saying that our policies reflect what we are and what we want.

During the 175 years since we became a nation, our national interests have changed in some ways, but their general character has remained constant. Here are some of the values that have persisted all through our history:

We are an independent nation and we want to keep our independence.

We attach the highest importance to individual freedom, and we mean to keep our freedom.

We are a peaceful people, and we want to get rid of wars and the threat of wars.

We have a comparatively high standard of living. We want to raise the standard so that everyone in the United States will eventually have a chance to earn a decent and secure living.

We are a friendly people. We have no traditional "enemies," and we want to be on good terms with every other people.

These are the things on which Americans, with all their different points of view, are most likely to agree.

It is the job of the Government, as the agent of the people, to promote these national interests.

The Federal Government, as the agent of the people, continually has hard choices to make. It is the job of the Government, as the agent of *all* the people, to try to harmonize group and sectional interests on the one hand with national interests on the other.

There has never been a time in our history when we could go about the business of promoting our national interests free from the threat of destructive forces. Some of these forces are inside the country. They stem from groups that oppose the national interests. Some Americans have a view of life that conflicts with the basic propositions on which our democracy was founded. Some try to profit at the expense of the freedom or well-being of others.

Some hostile forces have been outside our country.

action. A great deal more needs to be done. Succeeding chapters will discuss what has been done and what needs to be done in concrete terms.

The policy of creating situations of strength happens to be the best response to the problem of Soviet expansion. But it is much more than that.

It is part of a broad new policy that grew out of the experience of the American people in the second World War. That experience destroyed the last comfortable illusion of geographical security. It discredited, once and for all, the doctrine of isolationism.

In the light of that experience, Americans made a radical adjustment in their thinking. They came gradually to realize and to accept the fact that far off events could affect their safety and well being. A crop failure in India, a famine or flood in China, an election in Finland, a murder in Bosnia—all kinds of events and trends, good or bad, might eventually come to roost on the American housetop. Americans, they knew at last, live and will continue to live in an exposed position.

Having made that radical adjustment in their thinking, the American people began to consider in earnest this problem: how to make their exposed position comfortable and safe for their free society. To that end, they began to plan and build an international community in which people could live in peace, under the protection of law.

The building of such a community is the most ambitious, the most difficult, the most hopeful and the most exciting enterprise on which the American people have

ever embarked. It is big enough and hard enough to engage all our energies. If it were not for the threat of aggression we could concentrate all our energies on that job. We could say that it was, in fact, the substance of our foreign policy.

But unfortunately that is not possible. The Soviet power drive has cut across the course that we and other peace minded peoples had charted for ourselves as a hurricane cuts across the path of a ship. It has blown us all miles off our course. It has been a tragic interruption to our progress, a wasteful diversion of our energies.

Nevertheless, we are plowing ahead, breasting the hurricane as we go, holding to our main purposes.

What does it mean to build an international community?

It means, first, organizing the members to deal collectively with their problems, and to defend themselves collectively against anyone who may threaten the peace and tranquillity of the community. So we took the lead in organizing the United Nations and its various specialized agencies.

It means, second, repairing the damage of war, so that members in good standing can play their full part in the life of the community. To this end, we took the lead in organizing the Marshall Plan and the relief programs which preceded it.

It means, third, bringing the outlaws back into the community as decent, working members. So we undertook the occupation of Germany and Japan, and the education of their peoples in the ways of democracy.

It means, fourth, ~~helping~~ the people of the underdeveloped regions of the world to pull their standards of living up to a level that modern science and technology have brought within reach of all people. So we have embarked on the Point Four Program of technical cooperation with people who want and can profit by our aid.

It means, fifth, developing a sensible system of trade, so that all members of the community can expect that their work will contribute to a healthy and expanding economic life for themselves.

To this end, we have helped to write an international charter of fair trade practices, and to create an International Trade Organization, where the nations can settle their disputes across a conference table. Through reciprocal trade and tariff agreements, we are gradually opening up the channels of world trade that have been clogged for a generation.

All this is only the bare outline of an international community. Nobody can predict where the experiment will lead or how long it will take. It may, in time, lead to the international control of all armament, which is essential. It may lead eventually to a form of world government, which is a possibility that excites the imagination of some adventurous people.

For the immediate future, at least, we must reconcile ourselves to the need to divert a large part of our thought and our resources to the defense of the free world. We must give our attention to meeting and preventing aggression by creating situations of strength. As we go

about this immediate and urgent job, we find ourselves doing many things that we would have to be doing even if there were no aggressors in the world. We find ourselves doing many things that contribute to the larger objective of building a community of nations.

This is not to suggest that the threat of tyranny is a blessing in disguise. Far from it. It is an evil thing and its evil effects will remain to plague the world long after the threat of Soviet power is past.

No nation can go through an ordeal of this kind unscathed. But we, at least, can emerge from it self-disciplined and more deeply aware of our national interests in freedom and peace.

In that context, let us consider the method by which we arrive at our foreign policies.

## WHO MAKES IT

MANY people would like to know how and where foreign policy is made.

Is it made in the White House? In the State Department? In the Congress? In Middletown, Iowa? Or does it, like Topsy, just grow?

The answer to all these questions is "Yes."

This is not as confusing as it seems.

The Constitution gives the President of the United States full authority for making foreign policies and carrying them out. As the elected representative of the



people, he has the responsibility of translating the will of the people into foreign policy and of promoting the national interests in terms of foreign policies.

The Constitution gives the Senate the job of approving or rejecting treaties and major appointments made by the President. Both Houses of Congress hold the purse strings, which gives them considerable power over foreign policies, for which they also are directly responsible to the people.

The Congress may also give the President advice about foreign policies through joint resolutions.

In 1789 President Washington appointed the first Secretary of State, Thomas Jefferson, as his agent and adviser in carrying out foreign policies. **And today the Secretary of State and the Department of State are still the right arm of the President in the conduct of our international relations.**

In practice, most of the agencies of the Federal Government—43 at the last count—are now concerned, in one way or another, with foreign relations. These agencies work together through some 33 joint committees with 142 subcommittees that study and advise on foreign policy matters.

Secretary Acheson once described the situation in these words: "The President lays down what the policy shall be. In many cases the Congress lays down what the policy shall be. The President may propose and the Congress disposes, but the State Department has the job of foreseeing a problem before it arises. It gets all the other agencies in the Executive Branch together to make

a proposal. It gets the President's approval, or modification, and then takes it up with the Congress through the House and Senate Committees, and moves it forward to some final action in the Government. Therefore, the State Department is a sort of activator in the center of the Government."

The State Department, with its 300 missions in 75 countries, is also the eyes and ears of the Government. Reports coming in regularly from the trained observers in these missions help the State Department and other agencies to foresee problems and make plans to meet them.

Where does Middletown, Iowa, come into the picture? Our policies reflect what we are and what we want. But at first glance, it might seem almost impossible that a country as large as ours, with a population as numerous and as varied as ours could give a clear cut, understandable idea of what it is and what it wants. Most foreigners find it hard to make sense out of what sounds to them like a babel of voices, what looks to them like a scene of headlong confusion in the United States. As they come to know us, the sound tends to become a voice, the confusion takes on a certain order.

Actually, the American people are better equipped than most other people to form and express their ideas and to arrive at something approximating a national purpose. That is because our lines of communication are many and strong. It is also because the atmosphere of the American community—a legacy of the New England town meeting—encourages everyone to have an opinion and to speak his mind freely.



The American people speak their minds daily in a thousand ways. They communicate directly with their Government by letters and telegrams. They communicate indirectly through the press, the radio, and through the leaders of their churches, clubs, labor unions and other organizations.

The lines of communication are good, but they could be even better. In recent years, the Government has made a prodigious effort to establish closer relations with the people, to develop a two-way traffic of facts and ideas. Examples of this effort showed up in the preparation of the United Nations and the Marshall Plan. Here were two major policy decisions in the making of which the people and the Government really cooperated with some success.

Both decisions precipitated great national discussions. Both involved long public hearings before the committees of the Congress to which citizens came and presented

their ideas. Both led to the creation of citizens' committees which studied the problem and reported.

There is no simple prescription for the making of a democratic foreign policy. Because of the great size and diversity of our country, our policies will always be a blend of many ideas and interests. The blend will grow richer and stronger as the people and their Government become more deeply conscious of their responsibilities toward each other, and toward the democratic principles which have made us strong and free.

## toward national security

Every government has a primary responsibility for the security of the people it serves. Every people has a duty to protect itself and to prepare a secure future for its children.

But in our natural and necessary concern with security, it is important to know and agree on what we are after. This chapter will explore the needs of American security, and take a look at what we are doing to meet them.

We talk about "American security," realizing that there is no definition of the word "security" that would satisfy all nations. Each people looks out on the world from its own window and therefore calculates the needs of its own security from its own point of view.

Like "democracy" the word "security" has been used and misused for many purposes to justify a variety of national policies. Terrible crimes have been committed in its name. Hitler annexed Austria and Czechoslovakia and invaded Poland in the name of German "security." Stalin forged a ring of satellite puppets, claiming that the Soviet Union needs "friendly" neighbors to be safe from invasion.

After the experience of two German invasions, France built a Maginot Line and manned it with a large standing army.

Both Hitler and Stalin wanted, in the name of "security," to divide the world into two spheres of influence. Let's draw a line, they said. On our side of the line we'll do as we like, and on your side of the line you can have complete freedom of action. There are, in fact, some people who still believe that kind of "settlement" would contribute to American security.

The American idea of security has little or nothing in common with any of these traditional uses of power. We find it fantastic to think—as Hitler apparently thought—that invasion and conquest can enhance the security of any nation, including the conqueror.

The desire of the Russian people, the victims of Hitler's invasion, for friendly neighbors is not hard to understand. But the Soviet system of puppet satellites built around a master nation offers little hope of security to anyone—least of all the people who live under that system.

We made a costly escape, via Pearl Harbor, from our own brand of Maginot Line mentality—the belief that two broad oceans could save us from "foreign" wars. Most Americans now know that the modern world offers no complete immunity from accident, disaster, and the mistakes of human beings. We are aware also that security is not the same thing as superior military power or the possession of a super weapon.

Finally, we have never been interested in the suggestion that a world divided into spheres of influence offers us security. We find that suggestion impractical, unrealistic, and morally indefensible.

The idea of two great powers sitting down together



in the year 1950 to carve up the world between them, casually disposing of the fate of other free peoples, may be something for cartoonists to play with. It is not an idea that democratic governments and peoples can seriously consider. The mere suggestion brings home to us the fact that there is a price no decent, freedom-loving people will pay for security, or the false promise of it.

To understand the American approach to security, we have to consider the problem on two levels: first, the kind and degree of security we can create now in the kind of world we now inhabit and, second, the security we must start to build now if we want a safer, more livable world for our children. As we go along, we will see the relation of every one of our policies to either the short-term or long-term effort to build security.

The short term problem, in plain and brutal terms, is to survive as a free nation in a pioneer world society. Our situation today is something like that of the early settler of the West. In those days, before law and order were established, before families enjoyed the community safeguards that we now take for granted, every settler had to carry arms to protect himself and his family against marauders.

Today, each nation has to arm itself, and the lone nation is often at the mercy of an unscrupulous outlaw.

In self-defense, the orderly and far-sighted men among the early settlers joined forces for common protection. A rough system of law and order developed in which each settler could get on with his job of clear-

ing the land and plowing it, but always with one ear cocked for danger.

So today, the peaceful nations have organized for a degree of security, without giving up their basic individual sovereignty. In the present phase of pioneer international society, nations have to live with the danger that an outlaw may precipitate war by accident or design. For the past 35 years, we Americans have been feeling the effects of that danger in our personal lives.

We have watched international criminals at work. We have seen peoples pushed around, humiliated, terrorized, undermined and finally attacked, one by one, in Europe and Asia. We have learned some simple rules for survival in a society that permits criminals to defy the law.

We learned that there are no longer any "foreign" wars. There are no more side lines for a nation to sit on. We learned that the only way to avoid being drawn into war is to prevent war. We learned, further, that you cannot prevent war in a pioneer society by agreeing to disarm, since the peaceful nations honor their agreements, and those that are planning aggression ignore them. We became convinced that, for the present, peaceful nations can best serve themselves and their society by arming well, and joining forces for common defense.

These lessons, the product of bitter and costly experience, shape the new American attitude toward national security. A conviction that the earth was round sent

Columbus on his ~~westward~~ adventure. Our conviction that the peoples of the earth were interdependent sent us on an equally bold adventure—an adventure in collective security.

We had always been ready to help peaceful nations. But we had never, except in time of war, been willing to team up with them. Now we are ready and willing to do both, and we are doing both because we know that our national interest demands it.

### THE LONG-RANGE PROBLEM

To transform the pioneer international society of today into an orderly community of free nations: that is our long-range purpose. The community idea is thousands of years old in the mind of man, but it is just being born in the minds of nations. To bring an international community into existence may be the work of generations. But we have made a beginning. Sheer necessity might hurry up the process.

A community has to have both a political and an economic basis. Even more important, it has to have a moral basis. Certain fundamental standards of decency and behavior have to be understood and accepted by the majority of its members before you can have a successful community. The majority must not only uphold those standards but insist upon their being upheld. What has been called "a consensus of moral judgment" is the

foundation of law and order and the beginning of real community life.

Five years ago, we helped to create a great testing ground for the community idea: the United Nations.

### THE UNITED NATIONS

The American people took the lead in demanding and creating a United Nations and thereby reversed a traditional attitude. They had become convinced that all nations were interdependent. They saw no prospect of future peace and security except through international cooperation.



Security was uppermost in the minds of those who wrote the Charter of the United Nations. "To save succeeding generations from the scourge of war" was the universal hope of the 51 peoples represented at the San Francisco Conference. All of them were engaged in a terrible war. They centered their hope for peace in a United Nations.

Because the world is not at peace, because the threat of war is still very much with us, the United Nations is

It is that massed moral force of world opinion which accounts for every United Nations victory. The power of world opinion deflected the Soviet threat from Iran in 1946. It was an important factor in maintaining the independence of Greece. It played a considerable part in helping Korea, Indonesia, and Israel to establish their national independence.

In all these difficult tests of its strength, the United Nations has been fortified by the full, consistent support of the United States. It has enjoyed the solid moral backing of American public opinion.

However, American backing has been only one of the plus factors. On every clear issue a solid phalanx of public opinion of the whole free world has stood by the United Nations. The Soviet propaganda engine interprets this as proof that the capitalist world is in league against the communist "democracies." The truth is that the free peoples are against aggression. They are against the use of threat and terror. They are against the old power game.

The "moral consensus" rose to a new level of power with the reaction of the United Nations to the invasion of South Korea in June 1950. Within 24 hours of the communist attack, the Security Council had called upon the North Koreans to cease hostilities and withdraw their forces.

Within 3 days, the Security Council had recommended that United Nations members help South Korea repel the attack.

Within 2 weeks of the communist attack, 47 member

nations and 2 nonmembers had declared their full support of United Nations action against the aggressor. In the same period, 7 nations came forward with military contingents to make the fighting force in Korea a United Nations force, under a United Nations flag.

Within 2 months, offers of concrete help had come from 30 nations. In some cases, these offers represented a hard and courageous choice. It meant that small nations living in the shadow of Soviet power decided to stand up and be counted for the rule of law.

In the light of all this experience, with all its discouraging and sobering aspects, the United States continues to put its long range hopes for a peaceful and secure world order in the United Nations.

We center our hopes in the United Nations not only because its social and economic bodies are doing valuable pioneer work in international cooperation; not only because its related agencies, such as the World Health and the Food and Agriculture Organizations, have a tremendous humanitarian job to do; not only because we are interested in promoting human rights and freedom of information. The United States supports the United Nations for all these reasons and also for practical security reasons.

We realize that our security consists in a combination of many things. It consists in having superior military and economic power on the side of law and order. It depends on strong and free allies. And it depends also on the good will, the respect, the confidence and the moral support of decent people everywhere.



We know of no better way of informing world opinion, of arousing and mobilizing it in defense of peace, than through the United Nations. That is why the United Nations is necessary to our security, just as our support is necessary to its healthy development.

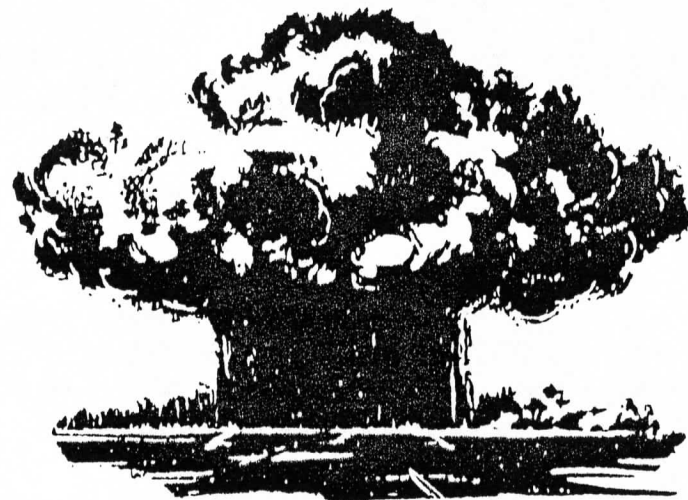
### THE PROBLEM OF THE ATOM

The Charter of the United Nations was signed on June 26, 1945. Hardly 6 weeks later something happened that created an urgent need for new patterns of international cooperation—a need that the signers of the Charter did not and could not have taken into account.

The atomic bomb exploded on Hiroshima. The full meaning of that event was not understood at the time and is still not universally realized.

The bomb was not the first weapon of mass destruction—or the last. It did not change the basic facts of life in a pioneer international society. It did not make war either more or less probable, but it made the effects of war more terrible. Therefore, those who thought deeply and calmly about the meaning of the bomb came to two simple conclusions: prevent war and find an effective way to outlaw the bomb and develop atomic energy for peaceful purposes only.

Ever since 1945, American policy has proceeded from these two conclusions. To prevent war was already our major interest and concern. The use of atomic energy presented us with a new and baffling problem. Let us consider the nature of the problem.



The technical details of atomic energy and of the weapons we have developed from its devastating power are very complex indeed, but the principle of the atomic bomb is very simple. All you have to do to blow a city off the map is to get together enough plutonium or a rare form of uranium in one lump. There is nothing more to it than that—a lump of metal of a certain size. Anyone can do it if he has a way of getting the stuff, knows how to protect himself against the poisonous radiations, and can delay the explosion until he is ready for it. The principle of the hydrogen bomb is also simple enough; whether it can in fact be developed is not yet known. All you will need is a very high degree of heat, a degree so high that probably only a uranium or plutonium bomb could supply it. The

horror of this situation is that literally anyone with access to the refined materials could bring about an atomic explosion. What other course is there but to keep this dangerous stuff away from irresponsible men and nations?

Within a year after the bomb exploded on Hiroshima, the United States had devised plans and proposals for doing just that: keeping the dangerous stuff out of irresponsible hands. We decided to put domestic control and development of atomic energy under the authority of a civilian commission. This decision became law on August 1, 1946, when the President signed the McMahon Bill.

We decided to put the problem of international control of atomic energy squarely up to the United Nations. Canada, China, France, Great Britain, and the Soviet Union agreed to this plan, and in January 1946 the first General Assembly of the United Nations created a Commission on Atomic Energy with instructions to work out a plan of effective international control.

By June 1946 the United States was ready with preliminary proposals for such a plan, and Bernard Baruch, the American representative, put them before the Atomic Energy Commission of the United Nations. The proposals were based on the report of a group appointed by the President, early in January, to study the problem of atomic control from the point of view of national security and international peace. The report of this group, known as the Acheson-Lilienthal Committee, came to the following conclusions:

that effective workable international control *was possible*;

that international inspection of national atomic activities was not, by itself, good enough to safeguard the security of individual nations;

that, therefore, a new kind of international authority had to be created which would itself own all the raw materials and carry on all the "dangerous" operations in the field of atomic development. The non-dangerous aspects of development could be in national hands, but these national activities would have to be licensed and inspected by the international authority.

The United States offered to give up its monopoly of atomic weapons and turn over its technical knowledge for an effective international system of this kind. When such an adequate system of control had been approved and had come into effect step by step, then, we proposed, the manufacture of atomic bombs would stop; existing bombs would be disposed of by agreement, and a world wide Atomic Authority would be in possession of all information about the production of atomic energy for both peaceful and military purposes.

These are the main provisions of the United Nations plan which was approved by an overwhelming vote of the General Assembly in 1948. It is an honest plan, aimed at genuine control and promising a high degree of security to all nations. No other method has yet been found that offers genuine control or security.

This plan has been rejected and fought by the Soviet Union and its satellites. The Soviet Union stands on

situation, an additional 4 billion dollars was asked. The communist forces had shown that they were ready to embark on reckless adventures in military invasion. There was no telling where they might strike next.

In general, the pattern of military aid is similar to economic aid. As in the European Recovery Program, the United States made a separate agreement with each country receiving aid. Each agreement reflected the needs of the particular country, what it could do for itself and what was necessary in the way of help from the United States. In every case we reserved the right to make the final decision.

Following the economic aid pattern, military assistance is based on a coordinated European plan. Part of our aid is in the form of finished weapons; some of it consists in raw materials which can be manufactured by the receiving countries.

The Mutual Defense Assistance Program is designed to supply a major "missing component" for successful defense of the North Atlantic community. Moreover, successful defense does not contemplate the "liberation" of Europe after conquest and occupation by an aggressor. No one—least of all the European people—would consider that a "successful defense." The collective strength of the North Atlantic community is designed to protect every member of that community from invasion. We are now engaged in a prodigious cooperative effort to build that kind of defense.

## NATIONAL DEFENSE

The defense establishment is a major support of the President's foreign policy. In our democratic system, military power backs up, but does not shape, our policies. The responsibility for maintaining adequate military forces is put, by law, in the hands of a Secretary of Defense. But in practice it is often the Congress that shapes our defense by granting or denying the money to pay for it, and by limiting its appropriations to certain specific purposes.

Since the war our commitments abroad and the troubled state of the world have made it necessary for us to support the largest defense force and the largest military budget in our peacetime history.

One of our commitments is to occupy Germany and Japan until satisfactory peace treaties can be made. Another is to man the bases we would need in time of war and to maintain the lines of communication with our men overseas.

General Bradley explained our approach to the defense problem when he said:

"Our basic military structure consists of two main elements, the forces in being, and the mobilization base. Because the United States will not make war of its own volition, a fact as apparent to any aggressor as it is to us, our forces in being are maintained at a strength which can prevent disaster in the event we are attacked, and which can strike a retaliatory blow that will be strong enough to slow down the aggressor while we mobilize. It would be economically foolhardy and politically incon-



sistent for us to maintain forces in being sufficient to win a major war.

"Our mobilization base must provide the educational, training and logistical facilities that will assure us of a quick expansion of the Armed Forces in order that we can eventually bring the full might of this nation, in conjunction with allied nations, to bear upon the enemy."

In June 1950 not quite four months after General Bradley had spoken these words, communist forces invaded South Korea—an act of raw, unprovoked aggression. Under the authority of the Security Council, American Armed Forces went into action from their nearest bases in Japan, more than a hundred miles away.



American military forces "in being" prevented the disaster of a quick communist victory in South Korea. They were able, in the face of appalling difficulties, to strike a retaliatory blow and, although greatly outnumbered, to slow down the aggressor, while we mobilized.

Meanwhile, our "mobilization base" was providing a quick expansion of our Armed Forces. On July 19 the President proposed an immediate expansion of our military establishment. In a message to the Congress he said, "The fact that communist forces have invaded Korea is a warning that there may be similar acts of aggression in other parts of the world. The free nations must be on their guard, more than ever before, against this kind of sneak attack."

The President's program involved the drafting of new manpower, the calling up of reserves. It involved doubling the defense budget so that by June 1951 we would be spending at the rate of 30 billion dollars a year. It meant raising at least 5 billion dollars more in taxes.

The President asked the Congress for authority to impose a system of allocations and priorities so as to direct the flow of commodities into military production.

Thus the leading democratic member of the United Nations showed that it could move rapidly and smoothly into a new situation requiring police action under the United Nations Charter. For the American people, and particularly for the men in the field of battle, it was a hard and bitter experience. Once again, we would have to be on the alert for a reckless and ruthless aggressor.

But the national defense was doing its immediate job of checking the aggressor.

## *toward economic well-being*

The policies of the United States reveal a growing recognition of the world wide economic forces that affect our peace and security.

In recent years, we have become more conscious and more firmly convinced of the fact that poverty—besides being an evil in itself—has evil consequences for all peace loving peoples. Poverty, we have learned, is the breeding ground for totalitarian governments which entrench themselves by police state methods. And police states are apt to be irresponsible and reckless members of the international community.

Poverty, with all its evil byproducts, is the problem that two-thirds of the world's people live with today. Yet the industrial and scientific advances of the past hundred years have put the solution of this problem into the realm of the possible. It can now be attacked with rational hope of success. And we Americans must lead the attack if we are to build a decent and secure life for ourselves.

The measures the United States Government has taken and is taking to stimulate world production and trade, to help raise standards of living abroad with the aid of technical skills and capital, and to promote co-operation among nations for these purposes are what

we call our "economic foreign policy." Obviously, that policy has broad political as well as economic goals.

The first United Nations agencies to get under way were aimed primarily at economic cooperation: the Food and Agriculture Organization, the International Bank, the Monetary Fund, and the United Nations Relief and Rehabilitation Administration (UNRRA), which began its great work of relief and reconstruction among the newly liberated peoples even before the war had been won.

The United States, as the only great power physically untouched by war, has had to take the initiative both in and outside the United Nations. The war expanded and strengthened our capacity to produce. In spite of wartime dislocations, the American people emerged from their ordeal better housed, better fed and clothed, more healthy and vigorous than they had ever been in their history.

In 1945, a prosperous, strong, and healthy United States looked out on a world in poverty and chaos. The situation we saw had been aggravated, but not caused, by war. The years between the two world wars were years of depression and bitter economic warfare among nations—including our own. In those years Europe was able to balance its trading accounts only with the help of its foreign investments and because the world prices of the raw materials on which its existence depended were abnormally and unhealthily low. Already in those years the systems of empire which had contributed so much to Europe's wealth and to the flow

of world trade were beginning to shift uneasily on their foundations. The impoverished people of Asia were already in ferment.

And so the problem of the postwar world of 1945, with its hungry and homeless and jobless millions, was not so much to restore an old economic order as to create and build a new and better system which would offer a more decent livelihood and a more secure future to the people of the world.

The design of this new and better international economy has now begun to take shape. Its outlines can be seen in the foreign economic policies of the United States. These policies have three broad purposes: first, to help rebuild the great European workshop on more modern lines; second, to help create new workshops, new sources of wealth, in the "underdeveloped" areas of the world; and, third, to open up the channels of world trade so that the fruits of production can be more widely distributed and enjoyed.

### EUROPEAN RECONSTRUCTION

Eighteen months before the war ended in Europe, plans for reconstruction were already under way. In November 1943, 44 nations joined in establishing UNRRA, the United Nations Relief and Rehabilitation Administration. UNRRA's mission was to go with the Allied armies into liberated areas, help to relieve hunger, curb disease, revive agriculture and industry, and restore transportation, power, and communications.

Between 1944 and 1947, the United States financed

about 70 percent of UNRRA's work. In addition, we furnished direct aid to our European allies, through a series of relief programs, known as interim aid. By 1947, postwar European aid had already cost the United States 14 billion dollars. American food and materials had prevented starvation and staved off revolution in Europe, but they had not produced genuine recovery or the prospect of it.

Because our aid had been granted piecemeal, it had made no dent on the jungle of European trade barriers. It had not gone hand in hand with necessary tax, land, and currency reforms. Each European nation was struggling to recover within its own economic strait jacket.

Moreover, continuous communist agitation weakened the European governments and discouraged reforms. The Iron Curtain had cut off supplies of food and markets on which Western Europe had always depended.

The terrible winter of 1946-47, which blanketed Europe with snow and ice, brought the life of the Continent almost to a standstill. As the people struggled against cold, hunger, and darkness, new plans were taking shape in the United States.

On June 5, 1947, the American Secretary of State, General Marshall, in his famous speech at Harvard, suggested a different approach to the problems of Europe. He declared an end of stop gap measures. He said, "Any assistance that this Government may render in the future should provide a cure rather than a mere palliative." He urged the European nations to draw up a joint plan



for recovery, and he pledged solid American backing for an all-out effort by the European nations to rise together.

The response was immediate. On July 12, 16 European nations gathered around a conference table and began to prepare a cooperative recovery program to submit to the United States. It became a Western European program only because the Soviet Union had walked out of initial meetings and refused to allow any of her satellites to take part.

The 18 months that followed Secretary Marshall's proposal were months of intensive planning on both sides of the Atlantic. Rarely has an American policy been so carefully studied or so widely debated by the people and the Congress. The Harriman committee of prominent citizens, headed by the Secretary of Commerce, studied Europe's needs and America's ability to meet them. The Krug committee of Government specialists studied the effects of the plan on American resources. The President's Council of Economic Advisers studied its impact on the United States economy. The Congress considered all these findings, held extensive public hearings, and made additional studies of its own. On April 3 the President approved the "Economic Cooperation Act of 1948."

This act authorized a 4 year program of aid to 16 European countries, Western Germany, and the Free Territory of Trieste. It declared that "The restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound

economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance." It called for a European Recovery plan, "based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers."

The Europeans declared the same purposes in setting up their own joint organization to plan and direct recovery, the OEEC, or Organization for European Economic Cooperation.

In the first 2 years of their recovery program, the people of Europe faced many difficulties and achieved what General Marshall called a "near miracle" of work and production. Agricultural production came back to the prewar level; industrial production rose to one fifth above that level. But statistics tell only part of the story. Family life, community life, returned to something like normal. The people began to look ahead with new hope and new confidence in their free institutions.



But destruction of their cities and farms was perhaps the least of the problems the Europeans had to face. There was also the fact of a larger population to support, clothe, feed, and house. There was the fact of continual strikes and riots, most of them communist inspired. There was the fact that, in order to become self-supporting, they had to produce and sell abroad far more than before the war, to offset the loss of foreign investments, shipping, and other services.

Most challenging of all, and most difficult for Americans to appreciate, was the problem of abandoning old habits of producing and trading - the problem of shedding the economic strait jackets of commercial and currency restrictions by which each nation had sought to protect itself.

Paul Hoffman, head of the Economic Cooperation Administration (ECA), emphasized the need to shape Western Europe into a single market, like that of the United States, in which goods, people, and money could circulate freely. But only the Europeans themselves could accomplish this declared purpose.

During 1949 and 1950 there was slow but steady progress in the direction of creating a single European market. This progress reflected the growth of economic stability and confidence in Europe. Governments were beginning to consider trade concessions and reforms that would have seemed impossible two years earlier.

The OEEC called on its members to abolish, of their own accord, as many of their quantitative import restrictions (quotas) as possible. The first response was disap-

pointing, but it was hoped that by the end of 1950 at least half of these restrictions would have disappeared.

In September 1949 Great Britain revalued its currency in relation to the dollar, and the other Marshall Plan countries followed suit. The effect was to cut the prices of European goods in dollar markets and to improve the European export position.

But it was recognized that the log jam of intra-European trade would not be broken until a way had been found to make European currencies freely interchangeable. A plan for doing this was finally approved in July 1950 and a European Payments Union was established. The EPU is, in effect, a clearing house for inter-country payments and claims arising out of Western European trade and financial transactions. It was hailed on both sides of the Atlantic as a long step toward European integration.

Paul Hoffman maintains that European recovery has not cost the American taxpayer a nickel. He bases this statement on the conviction that, but for the economic and political revival of free Europe, the United States would have had to spend many billions more on armament. In short, American aid has saved Europe not only from economic collapse but also from communist domination.

The dollar cost of the recovery program, in its first 3 years, was expected to be around 11.5 billion dollars. The return on this investment is in terms of a strong, free Western Europe, physically and psychologically prepared to assume a large share of the burden of its own

Italy, Belgium, the Netherlands, and Luxembourg. The British Government had decided to adopt a "wait and see" policy, since they were unwilling to commit themselves to what was still a relatively abstract proposal.

An idea as bold and radical as this was bound to run into criticism. The dread word "cartel" was raised, with its suggestion of **monopoly**, concentration of power, restricted production, and high prices. But advocates of the plan pointed out that a cartel can be a benevolent organization if its purposes are to expand production, broaden markets, and bring down prices. These are the declared purposes of the Schuman Plan. To see that they are carried out, an international authority would be created to oversee the plan, and to report its progress to the United Nations.

The United States Government gave the idea warm approval and support, for it saw great promise in the proposal. The promise was that Germany and her European neighbors might, by merging their major industries, evolve a relationship so close and a community of interest so strong that a war between them would become not only unthinkable, but impossible. The generous and enlightened French proposal might, indeed, mark the end of an ancient hostility and the beginning of a new era in Western Europe.

#### THE PROMISE OF POINT FOUR

Man has only begun to scratch the surface of the earth's wealth. In great areas of Africa, Asia, and Latin America, millions of people are living in poverty because

they have not had a chance to apply modern methods of tilling their soil, mining their minerals, and processing the resources they have at hand. The burden of poverty, disease, and ignorance in these areas has become a danger to all free, democratic people, because it invites all kinds of totalitarian controls, including communism.

For many generations, Americans have gone out to work with the people of the underdeveloped parts of the world, to study their ways of life, and to share American skills and knowledge with them. American private capital has gone out, also, to finance the development of oil, rubber, tin, bauxite, and many other resources of these areas. For the past 10 years the United States Government has been authorized by Congress to send technical missions abroad, chiefly to Latin America, and to bring technicians from the less developed countries to the United States for training.

In his inaugural address of January 1949, President Truman proposed to raise these traditional American activities and interests to the level of a major national policy and a major enterprise of the American people and their Government. Because this proposal was the fourth point of the President's declaration of foreign policy, it has become known as **Point Four**.

"We must embark," said Mr. Truman, "on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas . . . we should make available to peace-loving peoples the benefits of our store of technical knowledge in order to help them realize their aspirations for a better life. And, in co



operation with other free nations, we should foster capital investment in areas needing development . . .

"Our aim should be to help the free peoples of the world, through their own efforts, to produce more food, more clothing, more materials for housing, and more mechanical power to lighten their burdens."

The Point Four undertaking, as the President conceived it, has two distinct, but closely related, elements. One is "technical cooperation," which means the use of skills and scientific knowledge to help people raise their standards of living. This part of the program costs relatively small amounts of money for the salaries of technicians and the equipment they use.

The other element is large-scale development, requiring sizable amounts of money in the form of investment capital. The underdeveloped areas themselves can supply some, but not all, of the necessary capital. Foreign capital is needed, and it can come from three sources: the International Bank for Reconstruction and Development, the Export-Import Bank of the United States, and from private banks and investors.

Because of uncertainties and tensions in the world, and because of conditions in the underdeveloped areas, private investors have not been eager to risk sending their capital abroad in large amounts. The United States Government is trying in various ways to reduce some of the risks.

For example, the State Department is negotiating new treaties with foreign governments, guaranteeing certain kinds of protection to American investors, so that they

will not be discriminated against but will receive the same treatment as nationals of the country. New laws are being considered which would allow the Export-Import Bank to sell an investor certain kinds of insurance specifically against expropriation, confiscation, and seizure, and against inability to convert local currencies meaning inability to take profits out of the country.

But even with this kind of protection, it is not likely that large amounts of private investment capital will flow to the underdeveloped areas in the near future.

Fortunately, the work of technical cooperation can go forward without delay, and it can, in fact, help to create the kind of world climate and, more particularly, the kinds of local conditions which encourage investment. For experience shows that certain basic services like public health, sanitation, literacy, good communications, and good public administration are usually the necessary forerunners of large scale development projects. These are among the services that the technical cooperation program helps to create or improve.

Congress put its approval on the program in April 1950 and gave the State Department the job of directing the work of technical cooperation. Many agencies of the Government and many private organizations are already carrying on this kind of work.

Under the new program, the work will be broader and more closely coordinated, so that it can become in time a major national effort.

For the first year's budget, the Congress appropriated 34.5 million dollars. Roughly a third of this budget is

pledged to the support of a United Nations technical cooperation program.

Americans have never claimed a monopoly of technical skills. Our experts are, in fact, quick to recognize the pre-eminence of other nations in certain fields, for example, the Norwegians in the science of fishery, the British in some aspects of tropical medicine. The specialized agencies of the United Nations, such as the Food and Agriculture Organization and the World Health Organization, are in a position to draw on the skills of many nations—as well as their financial support. At a special meeting of the United Nations in June 1950, 50 nations pledged 20 million dollars for the first year of the United Nations program. Some of the pledges came from nations on the receiving end of technical aid.

Technical cooperation is not something to which you can apply a set of rules. But certain basic principles can and should guide the work. One of these is the principle of self-help. The United States offers its skills only where they are plainly wanted and only where people have shown that they are ready to help themselves. When this readiness exists—and it usually involves breaking with old habits and traditions—then technical cooperation brings good, and often quick, results.

Another guiding principle of this work is to start where people are; to help them solve their own problems in their own way, and not to impose ideas or methods which are alien to their character and their own desires.

Americans have always been interested in dealing with other people, as people, not as pawns in some inter-

national game of power politics. All through the history of our international relations runs the thread of a consistent attitude and purpose: to work with others, to cooperate but not to dominate. This is the paramount principle which guides the Point Four Program.

The character of the program has sometimes been misunderstood. It has been called a "big money" program, a means of scattering dollars around the world. Obviously it is not that, but a means of spreading ideas and skills. It has been called a "welfare" program. Obviously, it is that—in the best sense of the word.

Some people have asked, "Why should we help the people of these 'underdeveloped' areas to raise their standard of living when we have plenty of Americans who need that kind of help?" The answer, of course, is that we can do both, and we are, in fact, doing both. Many Point Four projects are patterned on, for example, the work we are doing right here at home in soil conservation, irrigation, and public health. All such programs, both at home and abroad, enlarge our experience and our knowledge. The exchange in ideas and skills is a two way traffic.

Some people have asked, "What has Point Four got to do with stopping communism? Is this the time to be helping people on the other side of the world to raise better crops and stamp out malaria?" The answer is that this is the very time, that most of the people we are working with are less interested in abstract principles of communism and democracy than in solving their ur-

gent problems of hunger, disease, and the difficulty of scratching for a bare living.

The communists offer them quick remedies for all their ills. We have a chance to prove to them in practical and concrete ways that a free society can promote both human well-being and human dignity.

### *WORLD TRADE AND WORLD PEACE*

The European Recovery Program has lifted the great European workshop back to its feet and has put millions of highly skilled people back into productive work. The Point Four Program will, in time, create new centers of production and will help millions of people in Latin America, Africa, and the Middle and Far East to develop their skills and resources. Both these programs are designed to raise standards of living through production.

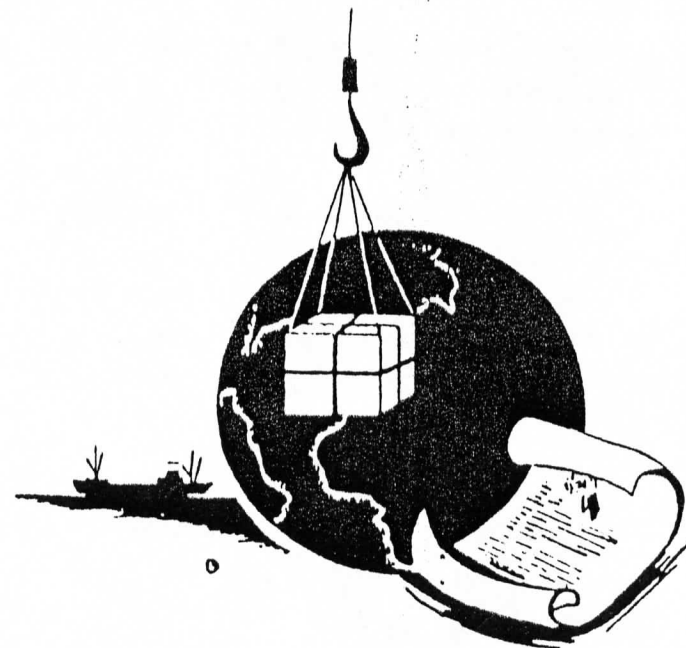
But production is never an end in itself. Goods are useful only if they can be bought, sold, and consumed. The peace and well being of the world depends on trade—on a healthy, expanding trade by which wealth can circulate freely to the widest possible extent and create a demand for new wealth.

International trade, therefore, is a second major concern of our economic policy. As with European recovery, the problem is not to restore an old system but to develop a new and better one.

The United States has a strong interest in helping to build a healthy international trading system which will act as a preventive to depressions and economic warfare. During the past 36 years we have become a great creditor

nation. In that period the value of our exports has exceeded the value of our imports by about 100 billion dollars. This is called a "favorable" balance of trade, but, even by strictly economic standards, it is not favorable at all, since the 100 billion dollar gap has had to be financed by the American people through direct taxation and government loans, interest on which comes from taxes. But this export surplus has been necessary to our national security, for it reinforced our allies in two world wars and contributed to their recovery in the post war years.

The problem of today is to develop a sound, balanced system of world trade. The American reciprocal trade-





agreements program has taken us a long step in that direction. It reversed the high-tariff policy of the 1920's and set us firmly on the road toward a more enlightened policy of opening up the channels of world trade.

Under the authority of the Reciprocal Trade Agreements Act, the United States joined with 22 other major trading nations at Geneva in 1947 in the greatest tariff bargaining meeting in history. The result of that meeting was a General Agreement on Tariffs and Trade, which reduced tariff rates sharply and affected half the world's imports. The same bargaining process was repeated at Annecy, France, in 1949, with 11 more countries present. And this conference led, in turn, to a third round of tariff cutting negotiations at Torquay, England, in 1950. Every country got and made concessions, and every concession that was made to one country immediately applied to all those present. Thus the free nations made an unprecedented, all-out attack on one of the most serious obstacles to the flow of trade.

But even more stubborn obstacles remain to be overcome. Today anyone who tries to buy or sell across national boundaries can still become entangled in a jungle of government controls in the form of quotas, customs regulations, and currency restrictions. To get rid of this tangle of restrictions will require time and a spirit of give and take, for no nation is willing to discard its economic armor while the rest remain armed.

The ultimate answer to this difficult problem is in the general acceptance of a code of fair trade practices. Fifty-four nations have agreed on such a code and embodied

it in the charter for an International Trade Organization. The charter sets the minimum rules of the game, on which all 54 nations are now willing to agree. They are not ideal rules by any means, but they can be improved as the nations get experience in cooperation and gain confidence in each other.

The charter also provides for an organization, within the family of the United Nations, a place where the members can meet and settle their trade problems across a conference table. There has never before been such a place. The organization and the charter offer at least a rational hope that economic warfare can be ended in the not too distant future. The ITO charter is now before the American Congress for approval. Other nations are waiting to see whether the United States will live up to its enlightened economic principles.

Those who support the ITO believe that it will pave the way for closer political as well as economic cooperation among the free nations and thus contribute to the security of the United States.



This American attitude has an ethical as well as a political background. For, as Secretary Acheson has said, the "truth is that just as no man and no government is wise enough or disinterested enough to direct the thinking and the action of another individual, so no nation and no people are wise enough and disinterested enough very long to assume the responsibility for another people or to control another people's opportunities."

Some Americans have been troubled by the fact that the nations whose independence we have helped to establish and maintain have not all had representative governments or practiced democracy as we understand it. This raises the question of what we mean when we speak of "free" nations and "free" peoples. It is worth clearing up this question which has caused a good deal of confusion about American policy.

A "free" country is one that does not have to take orders from a foreign government. Believing as we do that national independence is a stepping stone to popular government and personal liberty, we set a high value on the independence even of those nations which cannot by any stretch of the imagination be called democracies.

The fact that we help a country to be free of foreign domination does not mean that we support the particular government it happens to have at any particular time. It means that we want the kind of international community in which each nation is free to manage its own affairs, subject, of course, to its pledges and responsibilities under the United Nations Charter. Within the broad area of the Charter, there is plenty of room for people

to experiment and to change their forms of government, if they wish plenty of room for progress toward democracy.

In recent years the United States has had a chance to prove that it is still the traditional friend of young nations, still the champion of peoples seeking their independence. Since the end of the second World War more than 500 million people have gained their independence. Eight new nations have been born. The United States has assisted at the birth of these nations, as far as it could. It has vigorously supported their membership in the United Nations.

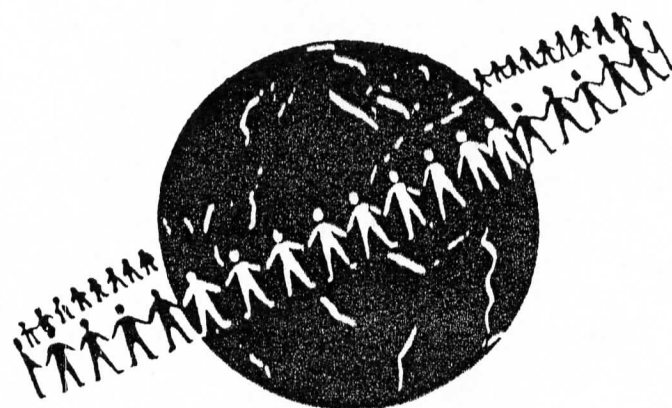
In the Philippines we had our best opportunity to demonstrate that American policy means what it says. The 20 million citizens of those islands celebrated their independence on July 4, 1946, as a result of a promise we made and kept. Moreover, we not only welcomed them into the community of nations but helped them to organize and finance their free society.

To India, Pakistan, Burma, and Ceylon we are giving our strong and friendly support. The people of Israel have had America's moral and material backing since the beginning of their struggle for nationhood.

Americans can take pride in their contribution to the creation of the Republic of Indonesia. During the long and difficult negotiations between the Indonesian and Netherland Governments, American diplomacy played an important and sometimes a decisive part in bringing the parties together and in helping them, finally, to work out a satisfactory agreement.

in the life of the world. The interests of all nations are our own also. We are partners with the rest. What affects mankind is inevitably our affair as well as the affair of Europe and Asia."

These twin propositions of independence and interdependence explain what we are and why we have become—and will remain—free.



## PRINCIPAL

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lar problems of a particular nation, its legal system and its method of dealing with violations.

The drafting of human-rights covenants is one of the boldest as well as one of the most difficult projects ever conceived by a group of nations. In the judgment of history, this quiet and generally unsung work may rank as one of the great revolutionary enterprises of the United Nations.

Another is the outlawing, by the United Nations, of genocide, or mass murder of whole groups of people, such as Nazi Germany officially practiced. In 1948 the General Assembly unanimously approved a convention pledging its members to treat genocide as a crime and to punish it accordingly. This treaty is now up for ratification.

Our interest in human rights is not confined to the making of treaties and declarations. We are working for such concrete things as the free gathering of news, the free movement of peoples, and the free exchange of knowledge. The United Nations, through the United Nations Educational, Scientific and Cultural Organization and other specialized agencies, offers many channels for concrete progress along these lines.

There is no need to create a ferment of ideas in the world. It already exists. The need and this the United Nations can meet— is to translate the ideas of

freedom and progress into practical terms of better health, better nutrition, better homes, and schools-- in short, the chance to work for a better life.



The American nation began life with a Declaration of Independence. We held and still hold these truths to be self evident: "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these rights are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . . ."

Today the foreign policy of the United States is a declaration of the interdependence of men and nations. We now know, as Woodrow Wilson told us 44 years ago, that "we are participants, whether we would or not,

of the Seventh Fleet is to keep Formosa out of the conflict. Our purpose is peace, not conquest.

"Sixth: We believe in freedom for all the nations of the Far East. ~~That is~~ one of the reasons why we are fighting under the United Nations for the freedom of Korea. We helped the Philippines become independent, and we have supported the national aspirations to independence of other Asian countries. Russia has never voluntarily given up any territory it has acquired in the Far East; it has never given independence to any people who have fallen under its control. We not only want freedom for the peoples of Asia but we also want to help them secure for themselves better health, more food, better clothes and homes, and the chance to live their own lives in peace. The things we want for the people of Asia are the same things we want for the people of the rest of the world.

"Seventh: We do not believe in aggressive or preventive war. Such war is the weapon of dictators, not of free democratic countries like the United States. We are arming only for defense against aggression. Even though communist imperialism does not believe in peace, it can be discouraged from new aggression if we and other free peoples are strong, determined, and united.

"Eighth: We want peace and we shall achieve it. Our men are fighting for peace today in Korea. We are working for peace constantly in the United Nations and in all the capitals of the world. Our workers, our farm-

ers, our businessmen, all our vast resources, are helping now to create the strength which will make peace secure."

### THE RIGHTS OF MAN

The United Nations Charter pledged all its signers to respect and promote human rights and fundamental freedoms. But it did not define those rights and freedoms. One of the first tasks of the United Nations, therefore, was to get general agreement among its members on what those words meant. To be realistic, such an agreement would have to express the honest beliefs and aims of all the nations that put their names to it. It must, in short, be a common denominator of conviction rather than a pious hope.

The United States worked hard for such an agreement. American organizations gave it vigorous support. And our American chairman, Mrs. Franklin D. Roosevelt, guided its progress through the Human Rights Commission. In 1948 the General Assembly approved the first international Declaration of Human Rights.

The next step is to get the principles affirmed in the declaration accepted in practice, as part of the constitutions and laws of nations. This is a work of many years, but the Economic and Social Council has already undertaken the drafting of human rights treaties, or "covenants," which will bind the nations that sign them to guarantee certain basic rights to their citizens. Each covenant will have to take into consideration the particu-

THE CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA  
ANALYSIS AND INTERPRETATION

ANNOTATIONS OF CASES DECIDED BY THE  
SUPREME COURT OF THE UNITED STATES  
TO JULY 2, 1982



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## AMENDMENT [II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## AMENDMENT [III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## AMENDMENT [IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## AMENDMENT [V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## AMENDMENT [VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the

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U.S.

# UNITED STATES CODE

1988 EDITION

CONTAINING THE GENERAL AND PERMANENT LAWS  
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PATENTS

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BUREAU OF LAND MANAGEMENT  
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This section is referred to in sections 111, 308, 310 of this title, title 10 sections 8308, 8309, 8370.

in the next higher grade without regard to section 5503(b) of title 5.

(Added Pub. L. 86-861, § 2(7), Sept. 2, 1968, 72 Stat. 1543)

Revised section	Source File Code	Source Statistics of Target
300	60 1351	Rep: 3 1954 ch 1287 1 210 00 Min: 1100

The words "authorized under section 1227(a) of this title" are omitted as surplusage.

This section is referred to in sections 111-310 of this title, title 10 sections 3101-3105.

0 310 Federal recognition of officers Army National  
Guard; automatic recognition

(a) Notwithstanding sections 307 and 309 of this title, if a second Lieutenant of the Army National Guard is promoted to the grade of first Lieutenant to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade of first Lieutenant, effective as of the date on which he completes three years of service computed under section 3360(a) of title 10.

(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the Army National Guard to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade in which he is so appointed in the Army National Guard, if he has been recommended for promotion to the grade concerned under section 3366, 3367, 3370, or 3381 of title 10 and has remained in an active status since he was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the Army National Guard.

(Added Pub. L. 85-861, § 2(7), Sept. 2, 1958, 72 Stat. 1544.)

Revised and (Type)	Source (1) (2) (3)	Source (1) (2) (3) (4)
1104a	00 1303 (1000) (2)	Sept 3 1904 ch 1307
1104b	00 1303 (1000)	1330 00 1104 1100

In subsections (a) and (b), the words "federally recognized" are inserted for clarity.

In submission (a), the words "or the date of the promotion, whichever is later" are omitted as inconsistent with section 3830(c) of title 10, requiring the discharge of each second lieutenant who is not promoted by the time he has three years of service. (See opinion of the Judge Advocate General of the Army (JAGIA 1967/1019, Jan. 7, 1967).)

This section is referred to in title 10 section 3100

Each person who is appointed as an officer of the National Guard shall subscribe to the following oath:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of \_\_\_\_\_, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of \_\_\_\_\_; that I make this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of \_\_\_\_\_ in the National Guard of the State of \_\_\_\_\_ upon which I am about to enter, so help me God."

(Aug. 10, 1966, ch. 1041, 70A N.H.R. 903.)

Revised edition	Source (1/3) (date)	Source (Statistics of Imports)
111	11111	<p>June 3 1910 ch 194          178 (1st par), 194 (2d par)          of June 15 1903 ch          87 117 (1st par), 88          (2d par)          (3d par)          of June 15 1903 ch          88 89 (1st par), 90 (2d par)</p>

The words "Each person who is appointed as an" are inserted for clarity.

(a) To be eligible for original enlistment in the National Guard, a person must be at least 17 years of age and under 35, or under 30 years of age and a former member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps. To be eligible for reenlistment, a person must be under 35 years of age.

(b) To be eligible for appointment as an Assistant of the National Guard, a person must .

(1) be a citizen of the United States; and  
(2) be at least 18 years of age and under 65

(Aug. 10, 1956, ch. 1041, 70A Stat. 604; Sept. 2, 1958, Pub. L. 85 861, § 2(9); 72 Stat. 1544, Nov. 8, 1967, Pub. L. 90 130, § 2(2); 81 Stat. 383)

1958 ACT	
Revised section	Source (Statutes at Large)
111(a)	June 3, 1914 ch. 134
	§60 repealed Feb. 28,
	1948 ch. 371 § 1 (1st
	par.) repealed June
	16, 1953 ch. 87, § 8
	(1st par.) 40 Stat. 169
	June 10, 1928 ch. 377
	§ 2, 40 Stat. 201; June
	28, 1947, ch. 103, § 7
	time applicability to
	§ 37 of the Act of
	June 3, 1914 ch. 134
	§ 1 Stat. 103, July 9,
	1932 ch. 600, § 603
	(1st par.) 60 Stat. 600
	Stat. 600, 600
111(b)	June 3, 1914 ch. 134
	§60 repealed Feb. 28,
	1948 ch. 371 § 1 (1st
	par.) repealed June
	16, 1953 ch. 87, § 8
	(1st par.) 40 Stat. 169
	June 10, 1928 ch. 377
	§ 2, 40 Stat. 201; June
	28, 1947, ch. 103, § 7
	time applicability to
	§ 37 of the Act of
	June 3, 1914 ch. 134
	§ 1 Stat. 103, July 9,
	1932 ch. 600, § 603
	(1st par.) 60 Stat. 600
	Stat. 600, 600

In subsection (a), 324 (last 19 words) is omitted as covered by section 10113; and (b) of this title 324 (180th through 324 words) is omitted as surplusage. The words "under 28" are substituted for the words "not more than thirty four" to conform to an opinion of the Judge Advocate General of the Army (JAGA 1955/9033, 3 Dec 1953). The word "Regular" is inserted before the words "Navy" and "Marine Corps". The words "Regular Air Force" are inserted to complete the coverage of the revised section. The word "enlistment" is substituted for the words "subsequent enlistment".

Section of title 18	Source: U.S. Code	Source: Statutes at Large
2383b)	29 Apr 4 law applicable to agst	July 30 1950 ch. 709 63 law applicable to agst 70 Oct 1950

1967 Subsec (b)(3) Pub L. 90-130 struck out of (3) which inserted requirement that women appointed with a view to serving as a nurse or medical specialist be at least 21 years of age and under 64 years of age in order to be eligible for appointment as an officer of the National Guard

1950 Subject (b) Pub. L. 85 861 inserted qualifications for appointment of women with a view to serving as nurses or medical specialists

Army National Guard of United States and Air National Guard of United States, enlistment see sections 3201 and 3202 of Title 10, Armed Forces

This section is referred to in title 10 section 211

0314. Adjutante general

(a) There shall be an adjutant general in each State and Territory, Puerto Rico, and the District of Columbia. He shall perform the duties prescribed by the laws of that jurisdiction.

(b) The President shall appoint the adjutant general of each Territory, and the District of Columbia and prescribe his grade and qualifications. To be eligible for appointment as adjutant general of a Territory, a person must be a citizen of that jurisdiction.

(c) The President may detail as adjutant general of the District of Columbia any retired commissioned officer of the Regular Army or the Regular Air Force recommended for that detail by the commanding general of the District of Columbia National Guard. An officer detailed under this subsection is entitled to the basic pay and allowances of his grade.

(d) The adjutant general of each State and Territory, Puerto Rico, and the District of Columbia, and officers of the National Guard, shall make such returns and reports as the Secretary of the Army or the Secretary of the Air Force may prescribe, and shall make those returns and reports to the Secretary concerned or to any officer designated by him. Each Secretary shall send with his annual report to Congress an abstract of the returns and reports of the adjutants general and such comments as he considers necessary for the information of Congress.



of studies and research undertaken pursuant to this Act: *Provided*, That funds available in any one year for research and development may, subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, be expended in cooperation with public or private agencies in foreign countries in the development of processes useful to the program in the United States: And *provided further*, That every such contract or agreement made with any public or private agency in a foreign country shall contain provisions effective to insure that the results or information developed in connection therewith shall be available without cost to the United States for the use of the United States throughout the world and for the use of the general public within the United States."

Sec. 2 Section 4 of the joint resolution of September 2, 1968 (72 Stat 1707; 42 U.S.C. 1958(d)),<sup>67</sup> is hereby amended to read:

"The authority of the Secretary of the Interior under this joint resolution to construct, operate, and maintain demonstration plants shall terminate upon the expiration of twelve years after the date on which this joint resolution is approved. Upon the expiration of a period deemed adequate for demonstration purposes for each plant, but not to exceed such twelve year period, the Secretary shall proceed as promptly as practicable to dispose of any plants so constructed by sale to the highest bidder, or as may otherwise be directed by Act of Congress. Upon such sale, there shall be returned to any State or public agency which has contributed financial assistance under section 3 of this joint resolution a proper share of the net proceeds of the sale."

Approved September 22, 1961.

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION— CHANGE OF NAME

*For Legislative History of Act, see p. 2900*

PUBLIC LAW 87-296; 76 Stat. 630

(11 U.S.C. 2406)

An Act to further amend Reorganization Plan Numbered 1 of 1958, as amended, in order to change the name of the office established under such plan, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Reorganization Plan Numbered 1 of 1958, as amended,<sup>68</sup> is further amended by striking out "Office of Civil and Defense Mobilization" wherever appearing therein and inserting in lieu thereof "Office of Emergency Planning".

Sec. 2 Any reference in any other law to the Office of Civil and Defense Mobilization shall, after the date of this Act, be deemed to refer to the Office of Emergency Planning.

Approved September 22, 1961.

67. 42 U.S.C. § 1958(d).

68. 1958 U.S. Code Cong. & Admin. News, p. 6074.

U.S.C.  
Congressional  
Administrative  
News Vol. 1  
1961

Other  
Source, too:  
- United States  
Statute at Large  
47 U.S.C. (Congress)  
1961 11:75  
65-24-62  
#5-24-62

## "ARMS CONTROL AND DISARMAMENT ACT

*For Legislative History of Act, see p. 2903*

PUBLIC LAW 87-297; 76 STAT. 631

(11 U.S.C. 2406)

An Act to establish a United States Arms Control and Disarmament Agency  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

#### SHORT TITLE

Section 1 This Act may be cited as the "Arms Control and Disarmament Act".

#### PURPOSE

Sec. 2 An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide a means toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will insure that the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It must be able to carry out the following primary functions:

- The conduct, support, and coordination of research and arms control and disarmament policy formulation;
- The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
- The dissemination and coordination of public information concerning arms control and disarmament; and



(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

### DEFINITIONS

As used in this Act—

The terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control and Disarmament Agency.

## TITLE II—ORGANIZATION

### UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 21. There is hereby established an agency to be known as the "United States Arms Control and Disarmament Agency".

#### DIRECTOR

Sec. 22. The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act. He shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of \$22,500 per annum.

#### DEPUTY DIRECTOR

Sec. 23. A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of \$21,500 per annum. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office.

### ASSISTANT DIRECTOR

Sec. 24. Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall receive compensation at the rate of \$20,000 per annum. They shall perform such duties and exercise such powers as the Director may prescribe.

### BUREAUS, OFFICES, AND DIVISIONS

Sec. 25. The Director, under the direction of the Secretary of State, may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this Act, including, but not limited to, an Office of the General Counsel.

### GENERAL ADVISORY COMMITTEE

Sec. 26. The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on arms control and disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace.

## TITLE III—FUNCTIONS

### RESEARCH

Sec. 31. The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 36 of this Act. In carrying out his responsibilities under this Act, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited

to participation in the following insofar as they relate to arms control and disarmament:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments;

(d) the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for arms control and disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(g) the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(j) the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) methods for the maintenance of peace and security during different stages of arms control and disarmament;

(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war, with a view to a better understanding of how the basic structure of a lasting peace may be established;

(m) such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this Act.

#### PATENTS

Sec. 32. All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information as to uses, methods, processes, patents, and other developments resulting from

such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

#### POLICY FORMULATION

Sec. 33. The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: Provided, however, That no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

#### NEGOTIATIONS AND RELATED FUNCTIONS

Sec. 34. Under the direction of the Secretary of State—

(a) the Director, for the purpose of conducting negotiations concerning arms control and disarmament or for the purpose of exercising any other authority given him by this Act, may (1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations and (2) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

(b) the Director shall perform functions pursuant to section 2(c) of Reorganization Plan 8 of 1953<sup>89</sup> with respect to providing to the United States Information Agency official United States positions and policy on arms control and disarmament matters for dissemination abroad.

(c) the Director is authorized (1) to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of the United States arms control and disarmament activities, and (2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

#### COORDINATION

Sec. 35. The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States arms control and disarmament

The CHAIRMAN. Some other Member may offer an amendment to your amendment.

Mr. PRELINGHUYSEN. Mr. Chairman, I would like to offer a perfecting amendment to strike out the word "includes" and substitute the word "means."

Mr. GROSS. Mr. Chairman, I make the point of order that the amendment is not written and at the desk.

The CHAIRMAN. The gentleman must reduce it to writing.

Mr. HAYS. Mr. Chairman, I rise in opposition to the gentleman's amendment in order to give him time to reduce it to writing. The committee discussed the amendment with the gentleman from Iowa and, as he said, all this would do would be to rearrange the language in this section in what he considered and the committee agreed was a better order.

Mr. PRELINGHUYSEN. Mr. Chairman, I offer a perfecting amendment.

The Clerk reads as follows:

Amendment offered by Mr. PRELINGHUYSEN to the amendment offered by Mr. SCHWENGER: Delete the word "includes" and insert the words "means."

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Is this a substitute? What is this amendment?

The CHAIRMAN. This is an amendment to the amendment.

Mr. GROSS. It was not so read. It was read as an amendment.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PRELINGHUYSEN to the amendment offered by Mr. SCHWENGER: Delete the word "includes" and insert the words "means."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to propound a question to the gentleman from Iowa. As the definition would read, if your amendment is adopted, it would be:

The term "disarmament" means the control, elimination, reduction, limitation, inspection, verification, or identification of Armed Forces and armaments of all kinds.

Is that correct?

Mr. SCHWENGER. That is correct.

Mr. QUIE. Then, if you took out the words "identification, verification, inspection, elimination, reduction and control," and read it using just the one word "elimination," the definition would read:

The term "disarmament" means "elimination of Armed Forces and armaments of all kinds under international agreement."

I cannot accept a bill which has that meaning. I believe in the Arms Control Agency, but I do not see how we could ever pass a piece of legislation which advocates the elimination of all Armed

Forces and armaments of all kinds. How can we in the United States of America ever expect to do that and still under the Constitution provide for the common defense?

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. JUDD. The rest of the language in the section makes clear that any elimination or reduction could only be done "under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace." Nobody is suggesting that we disarm unilaterally. It is wholly beyond anyone's thought or intent to suggest that this would include police forces.

When the bill mentions elimination, reduction, and so forth of "Armed Forces and armaments," it would in no sense restrict the ability of every nation to police itself and maintain order.

Mr. QUIE. Does the gentleman from Minnesota (Mr. Judd) consider the National Guard to be a part of the Armed Forces?

Mr. JUDD. The National Guard is a part of our Armed Forces.

Mr. QUIE. And you want to eliminate the National Guard? Does the gentleman consider the Coast Guard as part of our Armed Forces?

Mr. JUDD. I hope the day will come when we will have international agreements for reducing and ultimately eliminating all Armed Forces and armaments that could be used in international conflicts, and at the same time, we and every nation could continue a National Guard for use in international disasters or riots, or whatever urgent domestic situation arose. Yes; I certainly think the National Guard ought to be kept for that purpose. And I certainly would thank God if and when the day comes that we do not have to have a National Guard for our defense in international conflicts, because all will have given up offensive armaments.

Mr. QUIE. If this is the meaning that some day we hope to eliminate the National Guard, the Coast Guard, and anything like that, I could no longer support this Agency.

Mr. BRUCE. Mr. Chairman, will the gentleman yield so that I may address a question to the gentleman from Minnesota (Mr. Judd)?

Mr. QUIE. Yes; I yield to the gentleman from Indiana.

Mr. BRUCE. In the recent conflict in the Congo the United Nations forces issued an ultimatum that has been reported in our press that anyone who is in possession of a firearm would be shot on sight. This is an international peace organization that issued this ultimatum. I can personally agree strongly with the point being made by the gentleman from Minnesota (Mr. Judd) in projecting this under certain conditions that could possibly put out of the firearms.

Mr. JUDD. As the gentleman knows, I feel strongly that the recent actions of the United Nations forces in the Congo were wrong and in violation of a

part of the U.N. resolution under which it was supposedly operating.

Mr. BRUCE. But it was an international peace force.

Mr. JUDD. The fact that it operated improperly in this instance does not mean that we should fail to try to get proper control and regulation of international forces that might be used in international war.

Mr. BRUCE. Will the gentleman yield further?

Mr. QUIE. I yield briefly to the gentleman from Indiana.

Mr. BRUCE. The point is, however, that in this age of dialectics in which we live, and things suddenly turn upside down, we are creating an instrument through this phraseology that could very quickly under given circumstances be turned against us.

Mr. QUIE. Mr. Chairman, I only want to say that it grieves me greatly if this is the meaning of this piece of legislation. I was wholeheartedly in support of it. I think it is tremendously important that we consider the control, reduction, limitation, inspection, verification, or identification of armed forces, but to eliminate them—I cannot be a party to this in any way.

The CHAIRMAN. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida:

Page 4, line 4, strike out "United States Arms Control Agency" and insert "United States Peace Agency for World Disarmament and Security;" and on page 4, lines 5 and 6 strike out "United States Arms Control Agency" and insert "United States Peace Agency for World Disarmament and Security;" and at page 4, line 2, strike "Arms Control Agency" and insert "Peace Agency for World Disarmament and Security."

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. I have no wish to bar the gentleman's amendment, but I submit that the gentleman is offering one amendment which applies to two sections of the bill, one of which has not yet been read. He should offer the amendment, it seems, to lines 1 and 2 and then another amendment to the rest of the bill when it is read.

Mr. BENNETT of Florida. Mr. Chairman, I understand that I may do that by unanimous consent, and I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Chairman, the sole purpose of this amendment is to change the title of this organization from U.S. Arms Control Agency to U.S. Peace Agency for World Disarmament and Security. These words that I have used as the proposed title are words which are agreeable to the administration. Bear in mind the word



policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

## TITLE IV—GENERAL PROVISIONS

### GENERAL AUTHORITY

Sec. 41. In the performance of his functions, the Director is authorized to—

(a) utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended;<sup>60</sup>

(b) appoint officers and employees, including attorneys, for the Agency in accordance with the civil service laws and fix their compensation in accordance with the Classification Act of 1949, as amended;<sup>61</sup>

(c) enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies;

(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 15 of the Act of August 2, 1946 (6 U.S.C. 65a),<sup>62</sup> at rates not to exceed \$100 per diem for individuals, and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5 of said Act, as amended (6 U.S.C. 73b-2);<sup>63</sup> *Provided*, That no such individual shall be employed for more than one hundred days in any fiscal year unless the President certifies that employment of such individual in excess of

such number of days is necessary in the national interest; *And provided further*, That such contracts may be renewed annually;

(e) employ individuals of outstanding ability without compensation in accordance with the provisions of section 710(b) of the Defense Production Act of 1960, as amended (60 U.S.C. App. 2160),<sup>64</sup> and regulations issued thereunder;

(f) establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act;

(g) delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this Act; and

(h) make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.

### FOREIGN SERVICE RESERVE AND STAFF OFFICERS

Sec. 42. The Secretary of State may authorize the Director to exercise, with respect to Foreign Service Reserve officers and Foreign Service Staff officers and employees appointed or employed for the Agency, the following authority: (1) The authority available to the Secretary of State under the Foreign Service Act of 1946, as amended;<sup>65</sup> (2) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees, and (3) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended.

### CONTRACTS OR EXPENDITURES

Sec. 43. The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy.

### CONFLICT OF INTEREST AND DUAL COMPENSATION LAWS

Sec. 44. The members of the General Advisory Committee created by section 26 of this Act, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 41 of this Act, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code,<sup>66</sup> or of section 190 of the Revised Statutes (6 U.S.C. 99),<sup>67</sup> or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of serv-

60. 60 U.S.C.A. § 471 et seq.  
61. 6 U.S.C.A. § 1071 et seq.

62. 6 U.S.C.A. § 65a.  
63. 6 U.S.C.A. § 73b-2.

64. 60 U.S.C.A. App. § 2160.  
65. 60 U.S.C.A. § 101 et seq.

66. 18 U.S.C.A. §§ 281, 283, 284, and 1914.  
67. 6 U.S.C.A. § 99.

ices, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263),<sup>60</sup> section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),<sup>61</sup> or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

### SECURITY REQUIREMENTS

Sec. 45. (a) The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. The Director shall arrange with the Civil Service Commission for the conduct of full field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full field investigation. The final results of all such investigations shall be turned over to the Director for final determination. No person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commis-

sion or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42,<sup>70</sup> to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 41(f), contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.<sup>71</sup>

### COMPTROLLER GENERAL AUDIT

Sec. 46. No moneys appropriated for the purpose of this Act shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit by the General Accounting Office of any transaction under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

60. 5 U.S.C.A. § 2263.  
61. 5 U.S.C.A. § 59a.

70. 42 U.S.C.A. § 2165.  
71. 42 U.S.C.A. §§ 2163, 2455.

## TRANSFER OF ACTIVITIES AND FACILITIES TO AGENCY

Sec. 47. (a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is hereby transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this Act, without regard to the requirements of apportionment under section 666 of title 31.<sup>75</sup>

(b) The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in title II of the Reorganization Act of 1949<sup>76</sup> shall apply to any such resolution.

## USE OF FUNDS

Sec. 48. Appropriations made to the Director for the purposes of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 USC 111);<sup>75</sup> purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in section 78(c) of title 5 of the United States Code;<sup>76</sup> entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this Act; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects, and expenses authorized by the Foreign Service Act of 1946, as amended, not otherwise provided for.

## APPROPRIATION

Sec. 49. (a) There are hereby authorized to be appropriated not to exceed \$10,000,000 to remain available until expended, to carry out the purposes of this Act.

75. PUBLIC LAW 85-624, 1968-10-20.

76. 5 U.S.C. 5511(c).

or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are all located or transferred.

## REPORT TO CONGRESS

Sec. 50. The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency.

Approved September 26, 1961.

## INDIANS--COLVILLE RESERVATION

PUBLIC LAW 87-298; 75 STAT. 639

(H. R. 8038)

An Act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poela Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 161, 179, 181 A, 181 B, 181 C, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

Approved September 26, 1961.



Mr. FULTON. I thank the gentleman and I will join with him in support of that amendment.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from New York.

Mr. BARRY. I would like to ask the gentleman—who would disseminate the information to the American public since the USIA is limited to the dissemination of information abroad?

Mr. FULTON. The gentleman is a member of the House Committee on Foreign Affairs, and I would say to you that the State Department seems to have no trouble whatever in disseminating all the information it needs. The State Department has the public relations officers. On the releases that are given by the U.S. Disarmament Agency, they certainly will be carried by all the newspapers and carried for free.

Mr. BARRY. In other words, it is the contention of the gentleman that they could utilize other agencies for the dissemination of information to the American public and utilize the USIA for the dissemination abroad of information relative to disarmament policies, is that it?

Mr. FULTON. Yes, and wherever such facilities may be in the Government service just as this Director of the U.S. Disarmament Agency will use many other Government agencies for various purposes. Likewise, they will use whatever facilities there are in the Government now available for this purpose.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. A little earlier the gentleman raised some question about the field of outer space. The gentleman served with me on the select committee of which I was chairman. I can assure the gentleman that in my opinion, there is no conflict at all between this bill and NASA. On the question of dissemination, knowing the fairness of the gentleman, and I respect him very much, it would seem to me as an American citizen, I would like to get as much information as I can. I think dissemination of information is very important. If anything, I would rather have dissemination. To eliminate dissemination and just have the bill contain the word "coordination" means that it may be kept secret and within their discretion as to whether they disseminate information or not. I think the more we let the American people know, the more we can rely upon the sound judgment of the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to say what the majority leader says is exactly the purpose of this language, in other words, to keep as much of this information as possible before the public. It is the intention under this section that the U.S. Information Agency shall do the publicizing and disseminating abroad. That is their function. All that the Director under this bill will do

is to turn over to them the information which he thinks can safely be disseminated and broadcast around the world. The USIA is specifically barred by law from performing this function in the United States. There is no inclination to set up a publicity bureau. This is just to do some of the things that the Members of the Congress have been complaining about, to make information that is not harmful to the security of the United States, available to the people of the United States.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Minnesota.

Mr. JUDD. Of course, each of these various departments concerned with this matter already has an office to disseminate public information and is disseminating public information on this subject all the time. A purpose of this provision is to focus responsibility for information disseminated in this field so that if there are conflicting stories or reports going out, we can find out who is responsible. One of the difficulties in public understanding of this complicated issue in our country is that there are so many different reports of what our position is.

Mr. HAYS. This is to coordinate this to let out the proper information.

Mr. JUDD. That is right. If people cannot get accurate information, they will know where to get it, or if they get information that they think wrong or dangerous, they will know where to pinpoint the responsibility for dissemination of such information. This does not grant any new powers, but focuses the powers already existing. The provision is a good provision and should be left in the bill.

Mr. HAYS. I agree with the gentleman. Mr. Chairman, the amendment should be defeated.

Mr. Chairman, I ask that the amendment be rejected, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. MORGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Morgan: On page 2, line 2, after the word "peacefully" insert a period.

The amendment was agreed to.

The Clerk read as follows:

Sec. 3. As used in this Act—

(a) The term "disarmament" includes the control, elimination, restriction, reduction, inspection, verification, or identification of armed forces and armaments of all kinds under international agreements including the necessary steps taken under such an agreement to establish an effective system of international control of to state and international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority,

administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control Agency.

Mr. QUITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quize: On page 3, line 12, strike out the word "elimination."

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. QUITE. Mr. Chairman, if we strike out the word "elimination" in line 12, the definition will read:

(a) The term "disarmament" includes the control, reduction, limitation, inspection, verification, or identification of armed forces and armaments of all kinds.

I think it would be unwise, dangerous, foolish, to state in a bill that disarmament means the elimination of armed forces and armaments of all kinds. There would be nothing more dangerous for this country. There would be nothing more dangerous in the cause of world peace than to have any important country lay down its arms completely. There is no nation in the world today that is not dominated by another nation, that has eliminated its arms or its armed forces completely. You can see the way the people who have called themselves the noncommitted nations in Belgrade look to a country like Russia that has great arms, and who has talked and acted tough. I think that is why they talked mostly about colonialism, but did not object strenuously to the testing of the atomic bomb by Russia or any of colonialistic and aggressive acts. You can imagine what would happen in case we, under an international agreement, eliminated all armed forces, even every soldier and his weapons whatsoever. All another nation would have to do would be to secretly have a few armed forces and a few devastating weapons, and immediately we would be unable to defend ourselves now that there are these new kinds of weapons, especially nuclear weapons.

Quite a bit has been written on this subject. There could be arms control at a reasonable level with inspection and an identification of these weapons. Then if, in a shaky way, some country should add a few more troops, should add a few more weapons, it would be difficult for us to protect ourselves. It is just like some people want in this country, for nobody to have any weapons at all. Should that happen in this country we would find the police force unable to cope with the criminals. We have to have an armed force, and under any international agency I imagine not only would they have their own police force but they would have access to the armed forces of those countries in the international agreement who are friendly to the cause in case of an aggression against a peaceful country.

So I believe if we are to have a meaningful arms control we should take out this word "elimination" and remove it from this bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. QUITE. I yield.

Mr. HAYS The gentleman from Minnesota is making a very cogent argument. I think there is a good deal of substance to it. I would just like to ask him whether should his amendment carry he would have any objection to there being the understanding that we would strive to eliminate germ warfare, nuclear warfare, and so forth?

Mr. QUITE That is correct.

Mr. HOSMER Mr. Chairman, will the gentleman yield?

Mr. QUITE I yield.

Mr. HOSMER I congratulate the gentleman because this is a definite realistic approach. This bill must be written and this agency set up in a realistic fashion. Otherwise it will be a danger to the country. The gentleman has done what he should do. I support his amendment.

Mr. OHARA of Illinois Mr. Chairman, will the gentleman yield?

Mr. QUITE I yield to the gentleman from Illinois.

Mr. OHARA of Illinois Mr. Chairman, I have listened to the argument made by my good friend from Minnesota. I wish I could agree with him but I cannot agree with him. I have a little more faith than he has. I think that some day we will reach a period in this world of ours when we will have peace and we will have no armament. Just as a matter of the meaning of words, does the gentleman mean to say disarmament does not mean the elimination of arms?

Mr. QUITE That is what we have been led to understand today when we are talking about disarmament we do not mean eliminating all arms.

Mr. OHARA of Illinois We have a lot of people in this Chamber who are ready to take the place of Mr. Webster and kick his dictionary into the ocean. I trust the gentleman's amendment does not carry. I shall vote against it because I shall continue to have faith in the dream that sometime we will practice good will among men.

The CHAIRMAN The question is on the amendment offered by the gentleman from Minnesota (Mr. QUITE).

The question was taken; and on a division (demanded by Mr. QUITE) there were—ayes 33, noes 30.

So the amendment was rejected.

Mr. POUNTAIN Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POUNTAIN: On page 3, line 11, after the word "disarmament" strike out the word "includes" and insert the word "means."

Mr. POUNTAIN Mr. Chairman, my amendment means just what it says. It strikes the word "includes" and inserts the word "means." We then know that the word "disarmament" means, and are not left to conjecture, or to an interpretation outside of the legislation.

Mr. MORGAN Mr. Chairman, will the gentleman yield?

Mr. POUNTAIN I yield to the gentleman from Pennsylvania.

Mr. MORGAN The committee accepts the gentleman's amendment.

Mr. POUNTAIN I thank the chairman of the committee and the commit-

The CHAIRMAN The question is on the amendment offered by the gentleman from North Carolina (Mr. POUNTAIN).

The amendment was agreed to.

Mr. SCHWENGEL Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL: On page 3, strike out line 11 and all that follows through the word "traps" in line 13 and insert:

"(a) The term 'disarmament' includes the identification, verification, inspection, limitation, control, reduction, or limitation, of armed forces and armaments of all kinds under international agreement including the necessary steps."

Mr. SCHWENGEL Mr. Chairman, as usual, when it comes time for me to speak, we get into a situation where everybody is impatient, because they have places to go and things to do, and I have some place to go tonight, so I will not take the 5 minutes.

My amendment does not change the bill at all. I think it makes it more logical in its reading. The principle recognized in the bill originally was what I would call the descending principle, and if you adopt my amendment, you recognize the ascending principle.

Mr. Chairman I have given much thought to the problems of arms control, am well aware of the importance of this question. I said when the first version was proposed that I would support it if certain amendments were adopted.

The committee has dealt favorably with some of the shortcomings in the original bill—they have improved it materially but there are still some refinements and changes needed. I will present some amendments later. First I want to say this is consistent with an unwritten law or general policy in this regard. Our record is clear.

What we are doing is different than the action taken by the adversary of freedom. Communism—what we are doing is a reflection of what our people are thinking and want the action of true representative government.

What the Russians do in this regard is the reflection of the politburo—the tyranny of Russia.

As I have said, I have given much thought to the proposed Disarmament Agency. I am well aware of the importance of this question, but I feel that certain changes should be made in this legislation before I am prepared to endorse this bill without reservations.

I wish to suggest the following amendments to this bill.

First The title of the act, I think, should be an "Act for world peace with justice and security through disarmament." ~~Currently the phrase, "with justice," is omitted.~~

Second The statement of purpose should be revised to read:

The goal of the United States is a world where justice and freedom are assured through the rule of law to all people; a world which is free from the scourge of war and the dangers and burdens of armaments.

The bill as now written does not stress that the paramount goal of the United States is and must be a system of freedom and justice guaranteed by the rule of law.

of arms control or disarmament, ~~to~~ insure that liberty, freedom, and ~~justice~~ will be maintained. The maintenance, continuance, and expansion of the rule of law must be our primary objective. Without this, peace, and disarmament would mean nothing.

Third The proposed Disarmament Agency should be subordinate to the Secretary of State rather than an independent Agency. A great many serious problems could result if this Agency is not subordinated to the Secretary of State.

Fourth Three provisions of the bill should be deleted completely: (1) exempting actions of the Director from provisions of law relating to controls and expenditures; (2) that allotting \$25,000 for entertainment; and (3) that allotting \$50,000 for confidential expenditures.

Fifth As now written the term "disarmament" includes the elimination, reduction, control, limitation, inspection, verification, or identification. These should be listed in reverse order. Elimination of armed forces and armaments is the logical end point of such efforts while identification and verification are the points where efforts to achieve disarmament can and must begin.

Sixth The General Advisory Committee should be composed of 11 members appointed by the President with the advice and consent of the Senate. In addition there should be two Members of the Senate and two Members from the House of Representatives on this Committee. In each instance, there should be one member from the majority party and one member from the minority party from each House.

We so urgently need a "Gettysburg-like" statement of our foreign policy goals and objectives. Until and unless we have an understanding of what our goals and objectives are, legislation such as the disarmament bill is not likely to be very successful. Such a statement must be prepared.

I hope that consideration is given to these changes which would make the proposed Disarmament Agency more sound, more workable, and more practical.

Mr. HAYS Mr. Chairman, if the gentleman will yield, we just adopted an amendment offered by the gentleman from North Carolina to change the word "includes" to "means." Now the gentleman's amendment changes it back to "includes."

Mr. SCHWENGEL No I accepted that amendment.

Mr. HAYS Well, then, you should ask unanimous consent to have your amendment read "means" instead of "includes."

Mr. SCHWENGEL Mr. Chairman, I ask unanimous consent that my amendment be amended to read "means" instead of "includes."

The CHAIRMAN Is there objection to the request of the gentleman from Iowa?

Mr. GROSS I object, Mr. Chairman.

Mr. SCHWENGEL Mr. Chairman, I move, then, that we agree to the amendment as part of my amendment.



to. I agree completely with the President's position that 50 men are too few to entrust with so serious a task.

In the present state of world affairs, with the Soviet Premier hurling threats of aggression should the West refuse to bend to his will, the cause of peace would suffer if the United States diverted one dollar or one man from the task of maintaining the Nation's capacity to wage war. But the cause of peace will likewise be lost unless we marshal the Nation's energies, unless we mobilize our national talents and devote them to a creative quest for the modern grain, the cup of peace. Unless the world drinks deeply, thinks deeply of peace, the dry dust of nuclear fallout will envelop us all.

**Senator Humphrey, for himself and 12 of his colleagues, has introduced S. 1190 to establish a U.S. Disarmament Agency for World Peace and Security. Some 38 bills with a similar purpose have been introduced in the House of Representatives.** Without discussing the details of any of the bills, let me say that I am firm in my support of their common purpose. We must treat peace as a problem to be solved in much the same way we solved the problem of landing the atom and are now engaged in the problem of hitting the moon. Unless we put our best scientists to work in a peace laboratory as we have already put other kinds of scientists to work in chemistry and physics laboratories, then we shall never find the light of peace and the days ahead will be dark indeed.

Mr. PRICE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the argument has been made in recent days that the proposed U.S. Arms Control Agency would be a large and unnecessary addition to our Government. I have heard it said that there are already enough persons working in the field of disarmament and arms control. These arguments raise legitimate questions. They deserve a forthright and honest answer.

At the present time there are 75 persons working in the Department of State's U.S. Disarmament Administration which was established by Department Order in October 1950. In addition there are eight persons on Mr. John McCloy's staff. There is also a small staff—less than 10—under the Assistant Secretary of Defense for International Security Affairs, which acts as the focal point for the interest of the Defense Department in disarmament matters. There are two people on the White House staff who spend a part of their time on disarmament matters, one is assistant to the President's science adviser and one is assistant to the President's adviser on national security affairs. The Department of Defense also has several persons who are working on research to improve our detection of atomic weapons tests, and there are a few military officers who advise the Joint Chiefs of Staff on disarmament proposals. There are also some people connected with the Atomic Energy Commission who are dealing with disarmament, but I will discuss that later.

One might ask, since the present does not appear to be a time of very great disarmament activity, what absorbs the

time and energies of those who are at present working within the U.S. Disarmament Administration? A look at the present, which is considered to be a period of low disarmament activity in terms of the prospects for success, will show how much work must be done even in such a period.

First, there are now going on bilateral disarmament discussions in New York between Mr. McCloy, representing the United States and Mr. Zornin representing the Soviet Union. The purpose of these discussions is to work out the framework and the forum for the resumption of multilateral negotiations for disarmament. In New York, to assist Mr. McCloy, are at a minimum two to three strong political officers and one or two representatives of the Department of Defense. In Washington there must be personnel responsible for clearing all policy statements which will be discussed at these materials.

Second, there is the task of preparing for the coming disarmament debate at the United Nations General Assembly. This involves the formulation of a basic U.S. policy and plans for its presentation.

Third, there is the need for careful research and analysis on each part of a basic U.S. paper outlining a proposal for comprehensive disarmament. For example, the military officers on the staff must be sure that the proposal is consistent with our defense strategy and that it is balanced with respect to the military power of potential adversaries. Political officers must consider such matters as the relationship of the disarmament proposal to the policies of our allies and of neutral countries.

The above tasks are going on now at a time when major negotiations are not being held. There are no important and long-term research projects being conducted by the existing staff because they must devote a valuable time to the discussions currently underway. If negotiations are to be resumed, there are many problems of a technical, scientific, and political nature which must be solved. And in this effort our disarmament policy will suffer if the staff is occupied with answering today's cable preparing for tomorrow's debate and meeting next week's deadline.

There must be an organization which has sufficient staff to do not only the immediate tasks but which has time and talent to prepare for the questions which will arise in the near future. That is why the bill before us should be passed without delay.

I would now like to deal with the Atomic Energy Commission where the Commission has advised the Congress that it has 134 persons working on arms control matters. I am not advised that the Commission stated what these people were doing so I have checked myself, and here are the results.

First, only eight of them are employees of the AEC itself, working on arms control matters. They include such persons as the head of the Division of Military Application who must advise the AEC on the state of the development of certain atomic weapons, and a Special Assistant to the General Manager on

Arms Control. The figure does not include any people within the AEC who are spending full time on research projects affecting control of nuclear weapons.

There are a number of people working under AEC contract at the Livermore Laboratories and at Los Alamos who are working on projects which affect arms control. The biggest single such project and the project which absorbs roughly 150 people is the Vela project on the detection of nuclear weapons tests. These people are all contractors of AEC, not people working in the laboratories at Livermore, Los Alamos, and Sandia. It is important to stress that this is all on project. It covers only one small part of the total control problem.

There are some 15 people, employees of the AEC, who work on the problem of devising safeguards for the AEC program for sending fissionable material abroad for use by other nations for peaceful purposes. Such people are meeting with representatives of other countries in the safeguard problem. Although this activity can be looked upon as affecting arms control, it is not strictly a part of an arms control program.

Finally, there are a few, about seven persons working on the problem of the control of fissionable materials production for weapons purposes.

The total I have discussed comes to 130. Perhaps the difference between that and 134 is due to the addition of clerical help. But it is important that the Members of the House not be led to believe that there are today 134 people within the AEC working on a variety of arms control projects, because it simply is not so.

This indicates that the figure of 134 which looks so large at first reduces itself to 130, and not all of these full time.

Mr. MORGAN. Mr. Chairman, I move to strike out the bill and an amendment is in order at 7:10.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to propound a question to the chairman of the committee Mr. MORGAN. I would like to ask you in your interpretation of the definition of disarmament, where it says, "The term 'disarmament' means elimination of armed forces and armaments of all kinds" does the gentleman feel that means the elimination of the National Guard, the Coast Guard, the Air Force, the Army, the Navy, the Marines, the forces to protect the United States against outside aggressors?

Mr. MORGAN. No, I certainly do not. I certainly believe that there would be enough forces which are strong enough to defend us against aggressors.

Mr. QUIE. So that whatever kind of international agreement we might have we would still have strong forces to protect ourselves from outside aggressors?

Mr. MORGAN. That is correct.

Mr. QUIE. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I offer an amendment.



The Clerk read as follows:

Amendment offered by Mr. Gross. On page 13 strike out lines 18 through 23.

Mr. GROSS. Mr. Chairman, this amendment would strike out the advisory boards. As set up in this bill the number is unlimited. I doubt very much that the chairman of the committee can tell us how many there will be. There is an advisory board in every one of the 50 States of the Union, and the members could be paid, because this refers back to section 41(d) of the act, \$100 a day plus expenses for 100 days. That is much too rich for my blood.

I do not know why it is necessary to have this high-priced setup, plus a commission of 15 members. There is no limitation as to the advisory boards except as provided in a letter from Mr. McCloy which the gentleman from Wisconsin earlier this afternoon referred to.

While I have a minute or two remaining, I would like to ask the gentleman from Pennsylvania, the chairman of the committee, a question about the purchase or hire of one passenger motor vehicle for official use of the Director. Does this mean that the Director of this new outfit is going to join the Cadillac brigade in Washington?

Mr. MORGAN. No, it does not.

Mr. GROSS. What kind of an automobile is he going to have, if the gentleman knows? Is it going to be a Cadillac or a Volkswagen?

Mr. MORGAN. All that citation means is that the Director can drive this car back and forth between his home and his work.

Mr. GROSS. No. It provides for the purchase or hire of one passenger motor vehicle for the official use of the Director. That certainly does not mean he is going to drive his own car back and forth to work.

Mr. Chairman, I urge the adoption of my amendment.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I indicated earlier, I am just as concerned as the gentleman from Iowa that there was no limitation in the bill on the number of boards. The letter I received from Mr. McCloy, to which I referred earlier in the debate, is as follows:

THE WHITE HOUSE,  
Washington, D.C., September 15, 1961.  
Hon. CLAYTON J. ZABLOCKI,  
House of Representatives.

Dear Mr. ZABLOCKI: The purpose of this letter is to comment on a provision of the bill, H.R. 9118, regarding the appointment of advisory boards. Subsection 41(f) of H.R. 9118 provides that the Director of the Agency is authorized to "establish advisory boards to advise with and make recommendations to the Director on U.S. disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act."

In the past, very substantial reliance has been placed upon similar panels of experts. While the creation of this Agency would reduce the need for reliance on such advisory boards, it is believed that the need would still exist. There will continue to be specific problems in disarmament which will require the attention of diversified and exceptionally

able groups of experts who could not be retained by the Agency on a full-time basis.

It is the intent of the drafters of the legislation, however, that advisory boards and consultants be utilized only when the personnel of the Agency is inadequate to perform all the necessary functions of research and the evaluation of arms control proposals.

Also the security features of the legislation would preclude heavy reliance on the use of advisory boards and the use of consultants because of the considerable time delay in clearing the members of such boards. Finally, the need for advisory boards should be reduced considerably if the authority for hiring up to 45 people in the supergrades is retained in the legislation. This authority should give the Director the means to hire obviously competent personnel; which in the absence of such authority he could not hope to bring into Government service.

I hope that this explanation will give you a clear intent of the purpose of this subsection regarding the use of advisory boards.

Sincerely,

JOHN J. MCCLOY,  
Director to the President  
on Disarmament.

Other agencies have similar boards and have not abused that authority and I am sure this Agency will not abuse the authority given them.

Mr. GROSS. Many other agencies have consultants and advisory boards whom they pay \$50 a day, yet these advisers are to be paid \$100 a day and expenses.

Mr. ZABLOCKI. I agree that certain agencies do have a per diem of \$50. However, this is an agency that will require the services of scientists and specialists, and such men have to be paid commensurate with their ability.

Mr. Chairman, I hope the amendment is not adopted.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. JUDD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Judd. On page 20 line 14 strike out "for facilities".

Mr. JUDD. Mr. Chairman, there is a division in the committee as to whether or not these words were stricken out in committee. It was the impression of some of us that an amendment to delete them was agreed to, and of others that it was not. I think we ought to strike them now and settle it in conference.

The reason I proposed to strike the words out is that the existing language would permit the President by Executive order to transfer even such facilities as atomic energy plants, and so forth, to the Director of this Agency. I am sure that is not intended. The committee tried to guard against any possible misuse of the transfer authority by adding the lines at the end of the section which would allow a transfer to go into effect only if the Congress did not pass a resolution within 60 days disapproving such transfer. But to make sure of it, I believe these two words should be stricken.

Mr. MORGAN. If the gentleman will yield, we accept the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

The CHAIRMAN. If there are no further amendments, under the rule the Committee will rise.

Accordingly the Committee rose and the Speaker pro tempore (Mr. McCloy) having resumed the Chair Mr. Davis of Tennessee, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 9118) to establish a U.S. Arms Control Agency, pursuant to House Resolution 462, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The SPEAKER pro tempore. The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. JOHANSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JOHANSEN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHANSEN moves to recommit the bill H.R. 9118, to the Committee on Foreign Affairs.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 290, nays 54, not voting 91, as follows:

(Roll No. 216)

YEAS—290

Allen	Bolling	Costa
Abernethy	Bolton	Cook
Adair	Bonner	Corbett
Addabbo	Bow	Cornak
Addonizio	Boyd	Cramer
Albert	Brademas	Crutcher
Anderson	Bry	Curtin
Anna	Breding	Curtis
Andrews	Brewster	Curtis
Ashley	Brownell	Daddano
Aspinall	Brooks	Daniel
Avey	Brownfield	Davis
Baker	Brown	Davis
Balder	Brydall	Dawson
Baldrin	Burke, Ky.	DeLoach
Balog	Burke, Mass.	DeLoach
Barrat	Byrd, Pa.	Denton
Barr	Callahan	Dugg
Barnes	Cannon	Dugan
Baxter	Cederberg	Dunne
Becker	Chamberlain	Dwight
Beckwith	Chase	Doyle
Belcher	Chenoweth	Dolan
Belmont, Pa.	Clay	Dumas
Benn	Clark	Dwyer
Blanton	Coad	Edmondson
Blunt	Coblenz	Ellott
Board	Collier	Ellsworth

Chilperfeld.  
Christians with M  
Mrs.  
with Mr. Weaver  
tion of California  
with Mr. Wharton  
W.  
L.  
with Mr. De  
Mrs.  
Gregor.  
L.  
deberg.  
Westland  
7.

Rhodes, Ariz  
Riley  
Rivers, S.C.  
Roudebush  
Roussellot  
Rutherford  
Saylor  
Scheerer  
Smith, Calif.  
Tabor  
Tamm, Tex.  
Udall, Morris K  
Ute  
Van Pelt  
Williams  
Wilson, Ind.  
Winstead

Hartha  
Hibert  
Horsan  
Holtzman  
Hubbard, Mo.  
Johnson, Wis.  
Jones, Mo.  
Kath  
Kearns  
Kilburn  
Kivins  
Laird  
Loser  
McCulloch

I also announce that the Senator from New Mexico (Mr. CHAVEZ) and the Senator from New Mexico (Mr. ANDERSON) are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from New Mexico (Mr. CHAVEZ), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Arizona (Mr. HAYDEN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Massachusetts (Mr. SMITH) would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont (Mr. Aiken) is absent on official business.

The Senator from Utah (Mr. BENNETT) and the Senator from North Dakota (Mr. YORRIS) are necessarily absent.

The Senator from New Hampshire (Mr. BURGES) and the Senator from Kansas (Mr. CARLSON) are absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. CARLSON) would each vote "yea."

The result was announced—yeas 73, nays 14, as follows:

#### YEAS—73

Allen	Graveling	Miller
Barrett	Hart	Monroney
Bell	Harkin	Morse
Bible	Hickenlooper	Murphy
Borg	Holmes	Murphy
Brock	Hill	Muskie
Brown	Holloman	Neuberger
Butler	Humphrey	Pastore
Byrd, W. V.	Jackson	Pell
Cassidy	Jarvis	Proxmire
Capehart	Jordan	Randolph
Carroll	Kestling	Robertson
Cole, N. J.	Kefauver	Saltzman
Cole, S. D.	Kerr	Scott
Church	KucHEL	Smith, Maine
Cooper	Lausche	Sparkman
Cotton	Long, Mo.	Symington
Culver	Long, La.	Wiley
Dodd	Long, La.	Williams, N. J.
Downs	Long, La.	Williams, Del.
Dodd	Long, La.	Young, Ohio
Everett	McCarthy	
Frost	McCarthy	
Frost	McCarthy	
Gale	McCarthy	

#### NAYS—14

Byrd, Va.	Bricker	Stennis
Cornak	McClellan	Talmadge
Eastland	Mundt	Thurmond
Ellender	Russell	Tower
Goldwater	Schweppel	

#### ROLL CALL VOTING—73

Aiken	Oliver	Smathers
Anderson	Douglas	Smith, Mass.
Bennett	Fulbright	Young, N. Dak.
Bridges	Hayden	
Carlson	McGee	

The bill (S. 2100) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

##### Short title

Section 1. This Act may be cited as the "Arms Control and Disarmament Act for World Peace and Security."

##### Purpose

Sec. 2. An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law, and in which international adjustments to a changing world are achieved peacefully. It

is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of arms control and disarmament.

Arms control and disarmament policy being an important aspect of foreign policy must be considered with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security requires a central organization charged by statute with primary responsibility for this field. This organization must be so placed within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It must be able to carry out the following primary functions:

- The conduct, support, and coordination of research for arms control and disarmament policy formulation;
- The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
- The dissemination and coordination of public information concerning arms control and disarmament; and
- The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

##### Definitions

#### Sec. 3. As used in this Act—

(a) The phrase "arms control and disarmament" includes the elimination, reduction, control, transfer, inspection, verification, and other activities relating to the control of arms and armaments, including the necessary steps taken under such arrangements to establish an effective system of international control for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control and Disarmament Agency for World Peace and Security.

##### TITLE II—ORGANIZATION

#### United States arms control and disarmament agency for world peace and security

Sec. 21. There is hereby established within the Department of State an agency to be known as the "United States Arms Control and Disarmament Agency for World Peace and Security."

Sec. 22. The Agency shall be under the direction of an Under Secretary of State for Arms Control and Disarmament, who shall serve as the principal adviser to the Secretary of State and the President on arms control and disarmament matters. In carrying out his duties under this Act the Under Secretary of State for Arms Control and Disarmament shall, under the supervision and direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters. He shall be appointed by the Pres-

ident, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$22,500 per annum. For the purposes of this Act he shall be referred to as the "Director."

##### Deputy Director

Sec. 23. A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of \$21,500 per annum. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for and exercise the powers of the Director during his absence or disability or during a vacancy in said office.

##### Assistant directors

Sec. 24. Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall receive compensation at the rate of \$20,000 per annum. They shall perform such duties and exercise such powers as the Director may prescribe.

##### Bureau officer and divisions

Sec. 25. The Director, under the supervision and direction of the Secretary of State, may establish within the Agency such program and staff bureau offices and divisions as he may determine to be necessary to discharge his responsibilities under this Act, including but not limited to an Office of Public Affairs and an Office of the General Counsel.

##### General advisory committee

Sec. 26. The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on arms control and disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act. The Committee shall meet at least twice each year. It shall, from time to time, advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting disarmament, world peace, and world law.

##### TITLE III—FUNCTIONS

##### Research

Sec. 31. The Agency is authorized and directed to exercise such powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Agency is authorized and directed (1) to conduct research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 34 of this Act. In carrying out its responsibilities under this Act, the Agency shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Agency with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control and disarmament:

- the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments including thermodynamic, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;



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## 2154-2192

- 3133—Continued  
to the counties in which such lands are situated.  
Mr. Burdick, Committee on Commerce, 11933.
- 3136—To exempt from taxation certain property of the American War Museum, Inc.  
Mr. Cooper, Committee on the District of Columbia, 11272.
- 3140—For the relief of Aldo Marzini.  
Mr. Cooper, Committee on the Judiciary, 11273.
- 3141—For the relief of Lina Boni and his wife Lina Boni (nee Balzani).  
Mr. Cooper, Committee on the Judiciary, 11273.
- 3143—For the relief of Vincent Lee Chee.  
Mr. Butler, Committee on the Judiciary, 11212.
- 3143—For the relief of Mrs. Eva London Pitt.  
Mr. Butler, Committee on the Judiciary, 11273.
- 3146—For the relief of Alex Vedelez.  
Mr. Butler, Committee on the Judiciary, 11273.
- 3148—To provide 500 fellowships in city planning.  
Mr. Clark, Committee on Labor and Public Welfare, 11376.
- 3148—To permit coverage under the Federal Employees Health Benefits Act of 1956 and the Retired Federal Employees Health Benefits Act of employees of the Tennessee Valley Authority heretofore retired or heretofore retiring under the Civil Service Retirement Act.  
Mr. Hill, Committee on Post Office and Civil Service, 11373.
- 3147—For the relief of Felipe O. Pegulion.  
Mr. Long of Hawaii, Committee on the Judiciary, 11273.
- 3148—To amend the Miller Act of August 21, 1935, to provide that persons entitled to protection under State laws relating to mechanics or workmen's liens who have furnished labor or materials for public works shall have a right to receive payment out of payment bonds furnished by the prime contractor on such public works.  
Mr. Eastland and Mr. Stennis, Committee on the Judiciary, 11373.
- 3149—For the relief of Hugo Neuberg.  
Mr. Clark, Committee on the Judiciary, 11273—Reported with amendment (S Rept 1028), 1956—Amended and passed Senate, 1956—Referred to House Committee on the Judiciary 90709.
- 3150—To authorize the appointment of cadets of Guam to the U. S. Military Academy, the U. S. Naval Academy and the U. S. Air Force Academy.  
Mr. Eastland, Committee on Armed Services, 11380.
- 3151—For the relief of Harvey Winstein.  
Mr. Eastland and Mr. Stennis, Committee on the Judiciary, 11268.
- 3152—To establish in the State of Michigan the Pictured Rocks National Recreation Area, and for other purposes.  
Mr. Hart and Mr. McNamara, Committee on Interior and Insular Affairs, 11368.
- 3153—To establish in the State of Michigan the Sleeping Bear House National Recreation Area and for other purposes.  
Mr. Hart and Mr. McNamara, Committee on Interior and Insular Affairs, 11370.
- 3156—To amend Public Law 86 439 or amendment by Public Law 86 443 relating to dual rate amortization agreements.  
Mr. Magnuson, from Committee on Commerce (S Rept 473), 11385 (increased placed on the calendar, 11316).

H 1097 For the relief of Anita Wojtowicz  
Mr. Keating, Committee on the Judiciary  
11869

S 1108 To extend the date of termination  
of the provisions of law authorizing the  
issuance of special nonquota immigrant  
visas to certain alien orphans  
Mr. Keating, Committee on the Judiciary  
11867

S 1109 For the relief of Tork A. Lien doc-  
tor of medicine  
Mr. Long of Hawaii, Committee on the  
Judiciary 11867

S 1110 For the relief of Dr. John Wing  
Wong  
Mr. Keating, Committee on the Judiciary  
11867

S 1121 To amend the Federal Aviation Act  
of 1958 in order to establish certain  
requirements with respect to foreign air-  
carrier permits  
Mr. Riegle, Committee on Commerce  
11867

R 1122 To clarify the intent of Congress in  
the Act of September 2, 1939 relating  
to the exchange of lands between the  
United States and the Navajo Tribe  
Mr. Riege, Committee on Interior and In-  
dian Affairs 11867

R 1123 To provide that certain personal  
property of the United States may be  
donated to the States for the promotion  
of fish and wildlife management activi-  
ties and for other purposes  
Mr. McCarthy and Mr. Humphrey, Com-  
mittee on Government Operations  
11867

R 1124 For the relief of Constantine Kine  
mountain goat  
Mr. Wright, Committee on the Judiciary  
11867


S 1125 To promote the conservation of  
migratory waterfowl by the acquisition  
of wetlands and other essential water-  
fowl habitat and for other purposes  
Mr. Humphrey, Committee on Commerce  
11867

H 1126 To provide for the inclusion of cer-  
tain producers and growers of raw mate-  
rials as interested parties in foreign  
procurement projects under the Trade  
Agreement Extension Act of 1961 to  
make mandatory the recommendations  
of the U.S. Tariff Commission in such  
proceedings and for other purposes  
Mr. Bridges Mr. Beall Mr. Bennett Mr.  
Boggs Mr. Butler Mr. Carlson Mr. Con-  
tton Mr. Curtis Mr. Dirksen Mr. Dwyer  
Mr. Eshak Mr. Hickenlooper Mr. Kerr Mr.  
Mundt Mr. Neuhoff Mrs. Smith of  
Maine Mr. Thurmond Mr. Tower Mr.  
Williams of Delaware and Mr. Case of  
South Dakota, Committee on Finance  
11867 12001

R 1127 For the relief of Howard M. Bauer,  
commander US Navy Reserve  
Mr. Case of South Dakota, Committee on  
the Judiciary 11867

R 1128 For the relief of Francisco R. Por-  
ciacis  
Mr. Neuhoff, Committee on the Judi-  
ciary 11867

H 1129 To amend section 613(a) of the  
Reclamation Project Act of 1939 (52  
Stat. 1187; 43 U.S.C. 486) to make addi-  
tional provision for irrigation blocks and  
for other purposes  
Mr. Anderson, Committee on Interior and  
Insular Affairs 11867

 To establish a U.R. Development  
Fund for World Peace and Security  
Mr. [unclear] Mr. Sparkman Mr. Wiley  
Mr. [unclear] Mr. [unclear] Mr. [unclear]  
Mr. Anderson Mr. [unclear] Mr. [unclear]  
Mr. [unclear] Mr. [unclear] Mr. [unclear]  
Mr. [unclear] Mr. [unclear] Mr. [unclear]  
Committee on Government Operations  
11866, 11890, 12049, 12049 - Committee

2 3100 Continued  
 on Government Operations discharged  
 and referred to the Committee on  
 Foreign Relations 1955—Repealed  
 with amendments (H. Rept. 561, 1955)  
 Passed over 1959—(Sabbath) 11500  
 1961 1961 1961 1970 1975 1974  
 1976 1976 1976 1976  
 and passed Senate 1976—Repealed  
 by Senate Committee on Foreign Relations  
 1976

3 3101 To assist individuals to obtain re-  
 ligious benefits protected against in-  
 creases in the cost of living by providing  
 for the issuance by the Treasury of a  
 new series of bonds containing adjus-  
 tments under certain conditions in ac-  
 cordance with and redemption values to en-  
 sure payments for increases in the cost of liv-  
 ing which may be purchased by indi-  
 viduals and eligible institutions  
 Mr. Magnuson Committee on Finance  
 11600

4 3102 To amend title 18 United States  
 Code to prohibit schemes in interstate  
 or foreign commerce to influence by  
 bribery the outcome of sporting contests  
 and for other purposes  
 Mr. Keating Committee on the Judiciary  
 11600

5 3103 To donate to certain Indian tribes  
 some submerged lands of the United  
 States and to make such lands parts of  
 the reservations involved  
 Mr. Church Committee on Interior and  
 Insular Affairs 11600

6 3104 For the relief of Mrs. Negitive  
 Tennessee  
 Mr. Smith of Massachusetts Committee on  
 the Judiciary 11600

7 3105 For the relief of Dr. Shiro Shima  
 Ohio  
 Mr. Smith of Massachusetts Committee on  
 the Judiciary 11600

8 3106 For the relief of Manuel Arana Red  
 riguez  
 Mr. Shibley Committee on the Judiciary  
 11600

9 3107 To implement the provisions of the  
 International Convention for the Pre-  
 vention of the Pollution of the Sea by  
 Oil 1954  
 Mr. Magnuson Committee on Commerce  
 11600—Repealed with amendments (S.  
 Rept. 569, 1967—Amended and passed  
 Senate 1969—Passed House, (in Rept.  
 of H.R. 5123), 1970—Examined and  
 signed 1971, 1990—Presented to the  
 President 1994—Approved [Public Law  
 57 107], 1960

10 3108 Relating to membership in Indian  
 tribal organizations  
 Mr. Allott Committee on Interior and In-  
 sular Affairs 11600

11 3109 To establish an Office of Federal  
 Administrative Practice and to provide  
 for the appointment and administration  
 of a corps of hearing commissioners  
 for all four purposes  
 Mr. Keating Committee on Government  
 Operations 11600 The committee on  
 Government Operations discharged and  
 referred to the Committee on the Judi-  
 ciary 19100

12 3110 To authorize and direct the Secre-  
 tary of the Navy to convey a portion of  
 Pinta Adams Nuepout RI. to the State  
 of Rhode Island  
 Mr. Fall and Mr. Pastore Committee on  
 Armed Forces 11600

13 3111 To provide for safety belts on motor  
 vehicles and in interstate commerce  
 Mr. Case of North Dakota Committee on  
 Commerce 11600

14 3112 For the relief of Maria Pinochet de  
 Gomez Viquez  
 Mr. Rank of Massachusetts Committee on  
 the Judiciary 11600

- MR 9000 - To authorize the Philadelphia, Baltimore & Washington Railroad to be constructed, maintained and operated between stations near First Street SW in the District of Columbia.  
Mr. Dwyer, Committee on the District of Columbia 19310 - Reported (H Rept 1181), 19310 - Passed House, 19310 - Referred to Senate Committee on the District of Columbia, 19310 - Reported (S Rept 200), 19310 - Passed Senate, 19310 - Examined and signed, 30370, 30793 - Presented to the President, 10379 - Approved (Public Law 67 228), 19310.
- MR 9001 - For the relief of John Postupnik.  
Mr. Fline, Committee on the Judiciary, 19310.
- MR 9002 - For the relief of Mrs. May Mc Shire.  
Mr. Johnson of California, Committee on the Judiciary 19310.
- MR 9003 - For the relief of Lawson F. Teutach.  
Mr. Olson, Committee on the Judiciary, 19310.
- MR 9004 - To provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.  
Mr. Aspinall, Committee on Interior and Insular Affairs, 19310.
- MR 9005 - To provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.  
Mr. Bayler, Committee on Interior and Insular Affairs, 19310.
- MR 9006 - To provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.  
Mrs. Frost, Committee on Interior and Insular Affairs, 19310.
- MR 9007 - To provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes.  
Mr. Cunningham, Committee on Interior and Insular Affairs, 19310.
- MR 9008 - To amend section 510 of the Merchant Marine Act, 1920, to provide for the trade in of obsolete vessels in connection with the construction of new vessels, either at the time of constructing the construction contract or at the time of delivery of the new vessel.  
Mr. Sawyer, Committee on Merchant Marine and Fisheries, 19310.
- MR 9009 - To amend section 405 of the Internal Revenue Code of 1936 with respect to the tax treatment of the transfer of an employee's account from one retirement system of a State to another retirement system of the same State.  
Mr. Raleigh, Committee on Ways and Means, 19310.
- MR 9010 - Relating to the income tax treatment of certain Communist organizations and for other purposes.  
Mr. Bell, Committee on Ways and Means, 19310.
- MR 9011 - To amend the Federal Property and Administrative Services Act of 1949 to provide an orderly program of de-
- MR 9001 - Continued  
renovation and relocation of facilities and personnel of executive agencies.  
Mr. Minahan, Committee on Government Operations, 19310.
- MR 9002 - To amend the Employment Act of 1946 to provide more effective means for bringing to bear an informed public opinion upon price and wage increases which threaten economic stability.  
Mr. House, Committee on Government Operations, 19310.
- MR 9003 - To designate the third library of Congress building the John Philip Sousa Memorial Library, and to provide for the collection of the John Philip Sousa collection in the library of Congress and for the placing of statues of John Philip Sousa and Dr. Harvey W. Wiley in Statuary Hall.  
Mr. Rhodes of Pennsylvania, Committee on House Administration, 19310.
- MR 9004 - To authorize the establishment of the Frances Blum National Monument.  
Mr. Rusk, Committee on Interior and Insular Affairs, 19310.
- MR 9005 - To deny the use of the U.S. postal service for the carriage of Communist political propaganda.  
Mr. Ull, Committee on Post Office and Civil Service, 19310.
- MR 9006 - To amend the antitrust laws to authorize leagues of professional football, baseball, basketball and hockey teams to enter into certain television contracts, and for other purposes.  
Mr. Celler, Committee on the Judiciary, 19310. Reported with amendment (H Rept 1170), 19310 - Rules suspended, amended and passed House 30550. Referred to Senate Committee on the Judiciary, 30200 - Reported (S Rept 1007), 30200 - Passed Senate 30470 - Examined and signed 30780, 30800 - Presented to the President, 31212 - Approved (Public Law 87 331), 31202.
- MR 9007 - To authorize the Secretary of the Interior to sell certain public lands in Idaho.  
Mr. Harding, Committee on Interior and Insular Affairs, 19310.
- MR 9008 - To provide for the sale of the undisturbed lands in the townships of Park, Teton, Idaho, and for other purposes.  
Mr. Harding, Committee on Interior and Insular Affairs, 19310.
- MR 9009 - To deny the use of the U.S. postal service for the carriage of Communist political propaganda.  
Mr. Harvey of Michigan, Committee on Post Office and Civil Service, 19310.
- MR 9010 - To provide for the protection of residential and business realty in the District of Columbia which is not subject to standard and which is held by home owners and small businessmen in urban renewal project areas in the District of Columbia, and for other purposes.  
Mr. Kefauver, Committee on the District of Columbia, 19310.
- MR 9011 - To amend clause (2) of section 602(a) of the Federal Food, Drug and Cosmetic Act.  
Mr. Pike, Committee on Interstate and Foreign Commerce, 19310.
- MR 9012 - To amend clause (2) of section 602(a) of the Federal Food, Drug and Cosmetic Act.  
Mr. Keith, Committee on Interstate and Foreign Commerce, 19310.
- MR 9013 - To authorize the Secretary of the Navy to accept the Majesty ship *Scorpion* as a gift from the United Kingdom for the purpose of redempting it to the United States.  
Mr. Nichols of South Carolina, Committee on Armed Services, 19310.
- MR 9014 - To amend section 510 of the Merchant Marine Act, 1920, to provide for the trade in of obsolete vessels in connection with the construction of new vessels, either at the time of constructing the construction contract or at the time of delivery of the new vessel.  
Mr. Tolson, Committee on Merchant Marine and Fisheries, 19310.
- MR 9015 - For the relief of Ostrud Solvity.  
Mr. Corman, Committee on the Judiciary, 19310.
- MR 9016 - For the relief of Athena Voyadjis.  
Mr. Hagan of Georgia, Committee on the Judiciary, 19310.
- MR 9017 - For the relief of Hyacinth Francis.  
Mr. Hagan of Georgia, Committee on the Judiciary, 19310.
- MR 9018 - For the relief of Antonio M. Garcia.  
Mr. Landford, Committee on the Judiciary, 19310.
- MR 9019 - For the relief of Alexandra Emily, and (Shurbi) Shurbi (Shurbi) Dababon.  
Mr. St. George, Committee on the Judiciary, 19310.
- MR 9020 - For the relief of Ines Christina Carrión Blanco.  
Mr. St. George, Committee on the Judiciary, 19310.
- MR 9021 - For the relief of Pepito Osorio.  
Mr. Walter, Committee on the Judiciary, 19310.
- MR 9022 - For the relief of Consuelo Alvarado Turque.  
Mr. Wilson of California, Committee on the Judiciary, 19310.
- MR 9023 - For the relief of Anthony William White.  
Mr. Wilson of California, Committee on the Judiciary, 19310.
- MR 9024 - For the relief of Ismael Danna.  
Mr. Wilson of California, Committee on the Judiciary, 19310.
- MR 9025 - To provide for the satisfaction of claims arising out of scrip, lien election, and similar rights.  
Mr. Aspinall, Committee on Interior and Insular Affairs, 19310.
- MR 9026 - To amend the Agricultural Act of 1930 to establish a uniform base period for the 1930 wheat program.  
Mr. Holt, Committee on Agriculture, 19310.
- MR 9027 - To strengthen democratic processes respecting the calling of strikes to protect employees against unjustifiable pay increase from strikes, to protect employees from needless production interruptions arising out of strikes contrary to the wishes of employees, and to limit inter-industrial strife interfering with the flow of commerce and the national security by amending the National Labor Relations Act to require economic strikes to be authorized by a secret ballot.  
Mr. Keating, Committee on Education and Labor, 19310.
- MR 9028 - To establish a U.S. Army General Hospital.  
Mr. Keating, Committee on Education and Labor, 19310.
- MR 9029 - To amend the Agricultural Act of 1930 to establish a uniform base period for the 1930 wheat program.  
Mr. Holt, Committee on Agriculture, 19310.
- MR 9030 - To provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes.  
Mr. Morris of Idaho, Committee on Interior and Insular Affairs, 19310.
- MR 9031 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9032 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9033 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9034 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9035 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9036 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9037 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9038 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9039 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9040 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9041 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9042 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9043 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9044 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9045 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9046 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9047 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9048 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9049 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.
- MR 9050 - To amend the Agricultural Adjustment Act of 1930, as amended, to establish a marketing program for wheat.  
Mr. Norwood, Committee on Agriculture, 19310.



AC 1.9:3



# BLUEPRINT FOR THE PEACE RACE

Outline of Basic Provisions  
of a Treaty on  
General and Complete Disarmament in a Peaceful World

*"... not to an arms race but to a peace  
race—to advance together step by step,  
stage by stage, until general and complete  
disarmament has been achieved."*

**PRESIDENT KENNEDY**

*September 28, 1961*

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY PUBLICATION 4

*General Series 3*

*Released May 1962*

For sale by the Superintendent of Documents, U. S. Government Printing Office  
Washington 25, D. C. Price 30 cents

## Statement by President Kennedy

Press Conference, April 18, 1962

The United States has today tabled at Geneva an outline of every basic provision of a treaty on general and complete disarmament in a peaceful world. It provides a blueprint of our position on general and complete disarmament as well as elaboration of the nature, sequence, and timing of specific disarmament measures.

This outline of a treaty represents the most comprehensive and specific series of proposals the United States or any other country has ever made on disarmament. In addition to stating the objectives and principles which should govern agreements for disarmament, the document calls for the grouping of individual measures in three balanced and self-guarded stages. We are hopeful that through the give-and-take of the conference table this plan will have a constructive influence upon the negotiations now in progress.

I want to stress that with this plan the United States is making a major effort to achieve a breakthrough on disarmament negotiations. We believe that the nations represented at Geneva have a heavy responsibility to lay the foundations for a genuinely secure and peaceful world starting through a reduction in arms.

types of armaments and would be supplied agreed manpower by  
states would be progressively strengthened until in Stage III it  
would be fully capable of insuring international security in a disarmed  
world.

## Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World

### COMPLETE TEXT

In order to assist in the preparation of a treaty on general and complete disarmament in a peaceful world, the United States submits the following outline of basic provisions of such a treaty:

#### A. Objectives

1. To ensure that (a) disarmament is general and complete and war is no longer an instrument for settling international problems, and (b) general and complete disarmament is accompanied by the establishment of reliable procedures for the settlement of disputes and by effective arrangements for the maintenance of peace in accordance with the principles of the Charter of the United Nations.

2. Taking into account paragraphs 1 and 4 below, to provide, with respect to the military establishment of every nation, for:

(a) Disbanding of armed forces, dismantling of military establishments, including bases, cessation of the production of armaments as well as their liquidation or conversion to peaceful uses.

(b) Elimination of all stockpiles of nuclear, chemical, biological, and other weapons of mass destruction and cessation of the production of such weapons.

(c) Elimination of all means of delivery of weapons of mass destruction;

(d) Abolition of the organizations and institutions designed to organize the military efforts of states, cessation of military training, and closing of all military training institutions;

(e) Discontinuance of military expenditures.

3. To ensure that, at the completion of the program for general and complete disarmament, states would have at their disposal only those non-nuclear armaments, forces, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens.

4. To ensure that during and after implementation of general and complete disarmament, states also would support and provide agreed manpower for a United Nations Peace Force to be equipped with



## Foreword

~~The ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments, in which the use of force has been subordinated to the rule of law, and in which international adjustments to a changing world are achieved peacefully. Today, in a world riven by dangerous tensions and mistrust, the attainment of this goal necessitates continuing and patient efforts to achieve the progressive reduction of national war-making capabilities in such a manner as to increase the security of all nations. Thus, responsible arms control and disarmament proposals cannot be directed toward the attainment of unilateral political or military advantage. They must be fully responsive to the legitimate security interests of all nations.~~

On the basis of these considerations, President Kennedy on September 25, 1961, presented to the General Assembly of the United Nations the "United States Program for General and Complete Disarmament in a Peaceful World." To provide a more precise statement of the United States approach to disarmament and the manner in which that approach should be implemented, the United States on April 18, 1962, presented to the conference of the 18-nation Committee on Disarmament, meeting in Geneva, an "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World." Although not a draft treaty, the "Outline" elaborates and extends the proposals of September 25 and provides in specific terms a substantial basis for the negotiation of arms control and disarmament treaty obligations.

The principal provisions of the United States Outline are described in the summary that follows. The complete text of the Outline begins on page 5.

## Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World

### SUMMARY

#### Principles and Process of Disarmament

Disarmament would be ~~implemented~~ progressively and in a balanced manner so that at no ~~stage~~ could any state or group of states obtain military advantage. Compliance with obligations would be effectively verified. As national armaments were reduced, the United Nations would be progressively strengthened.

Disarmament would be accomplished in three stages the first to be carried out in 3 years, the second, also in 3 years, and the third, as promptly as possible within an agreed period of time. Stage I would be initiated by the United States, the Soviet Union, and other agreed states. All militarily significant states would participate in Stage II, and all states possessing armaments and armed forces, in Stage III.

Transition from one stage of disarmament to the next would take place upon a determination that all undertakings in the preceding stage had been carried out and that all preparations for the next stage had been made.

#### Disarmament Measures

A. ARMAMENTS. During Stage I, inventories of major categories of both nuclear delivery vehicles and conventional armaments would be reduced by 30 percent. Fixed launching pads would be reduced with associated missiles. Half of the remaining inventories would be eliminated during Stage II, and final reductions would be made in Stage III. Upon the completion of Stage III, states would have at their disposal only agreed types of nonnuclear armaments for forces required to maintain internal order and protect the personal security of citizens.

Production of armaments during Stage I would be limited to agreed allowances and would be compensated for by the destruction of additional armaments to the end that reductions would not be impaired. In Stage II, production of armaments would be limited except for parts for maintenance of retained armaments. Any further produc-

From  
Manufacturers' sales  
tax and price  
Val. 1933

prescribed by regulations of the Secretary of Agriculture: *Provided*, That upon any article upon which a manufacturers' sales tax is levied under the authority of the Revenue Act of 1932 and which manufacturers' sales tax is computed on the basis of weight, such manufacturers' sales tax shall be computed on the basis of the weight of said finished article less the weight of the processed cotton contained therein on which a processing tax has been paid.

Rate to equal dif-  
ference between  
farm price and fair  
exchange value  
Product to be com-  
puted

(b) The processing tax shall be at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value of the commodity; except that if the Secretary has reason to believe that the tax at such rate will cause such reduction in the quantity of the commodity or products thereof domestically consumed as to result in the accumulation of surplus stocks of the commodity or products thereof or in the depression of the farm price of the commodity, then he shall cause an appropriate investigation to be made and afford due notice and opportunity for hearing to interested parties. If thereupon the Secretary finds that such result will occur, then the processing tax shall be at such rate as will prevent such accumulation of surplus stocks and depression of the farm price of the commodity. In computing the current average farm price in the case of wheat, premiums paid producers for protein content shall not be taken into account.

To prevent accumu-  
lation of surplus  
stocks of farm prod-

Product to be com-  
puted

Rate to equal dif-  
ference between  
farm price and fair  
exchange value

How computed

(c) For the purposes of part 2 of this title, the fair exchange value of a commodity shall be the price therefor that will give the commodity the same purchasing power, with respect to articles farmers buy, as such commodity had during the base period specified in section 2; and the current average farm price and the fair exchange value shall be ascertained by the Secretary of Agriculture from available statistics of the Department of Agriculture.

"Processing" de-  
fined

(d) As used in part 2 of this title—

(1) In case of wheat, rice, and corn, the term "processing" means the milling or other processing (except cleaning and drying) of wheat, rice, or corn for market, including custom milling for toll as well as commercial milling, but shall not include the grinding or cracking thereof not in the form of flour for feed purposes only.

(2) In case of cotton, the term "processing" means the spinning, manufacturing, or other processing (except ginning) of cotton; and the term "cotton" shall not include cotton linters.

(3) In case of tobacco, the term "processing" means the manufacturing or other processing (except drying or converting into insecticides and fertilizers) of tobacco.

(4) In case of hogs, the term "processing" means the slaughter of hogs for market.

(5) In the case of any other commodity, the term "processing" means any manufacturing or other processing involving a change in the form of the commodity or its preparation for market, as defined by regulations of the Secretary of Agriculture; and in prescribing such regulations the Secretary shall give due weight to the customs of the industry.

Product to be com-  
puted

Rate to equal dif-  
ference between  
farm price and fair  
exchange value

(e) When any processing tax, or increase or decrease therein, takes effect in respect of a commodity the Secretary of Agriculture, in order to prevent pyramiding of the processing tax and profiteering in the sale of the products derived from the commodity, shall make public such information as he deems necessary regarding (1) the relationship between the processing tax and the price paid to producers of the commodity, (2) the effect of the processing tax upon prices to consumers of products of the commodity, (3) the relationship, in previous periods, between prices paid to the producers of the commodity and prices to consumers of the products

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thereof, and (4) the situation in foreign countries relating to prices paid to producers of the commodity and prices to consumers of the products thereof.

MISCELLANEOUS

Sec. 10. (a) The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923 and Acts amendatory thereof, and such experts as are necessary to execute the functions vested in him by this title; and the Secretary may make such appointments without regard to the civil service laws or regulations: *Provided*, That no salary in excess of \$10,000 per annum shall be paid to any officer, employee, or expert of the Agricultural Adjustment Administration, which the Secretary shall establish in the Department of Agriculture for the administration of the functions vested in him by this title. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation, shall not operate to require such impoundment under appropriations contained in this Act.

(b) The Secretary of Agriculture is authorized to establish, for the more effective administration of the functions vested in him by this title, State and local committees, or associations of producers, and to permit cooperative associations of producers, when in his judgment they are qualified to do so, to act as agents of their members and patrons in connection with the distribution of rental or benefit payments.

(c) The Secretary of Agriculture is authorized, with the approval of the President, to make such regulations with the force and effect of law as may be necessary to carry out the powers vested in him by this title, including regulations establishing conversion factors for any commodity and article processed therefrom to determine the amount of tax imposed or refunds to be made with respect thereto. Any violation of any regulation shall be subject to such penalty, not in excess of \$100, as may be provided therein.

(d) The Secretary of the Treasury is authorized to make such regulations as may be necessary to carry out the powers vested in him by this title.

(e) The action of any officer, employee, or agent in determining the amount of and in making any rental or benefit payment shall not be subject to review by any officer of the Government other than the Secretary of Agriculture or Secretary of the Treasury.

(f) The provisions of this title shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam.

(g) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than \$10,000 or imprisoned not more than two years, or both.

(h) For the efficient administration of the provisions of part 2 of this title, the provisions, including penalties, of sections 5, 9, and 10 of the Federal Trade Commission Act, approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering the provisions of this title and to

MISCELLANEOUS

Officers and employees.  
Appointments under Classification Act.  
Val. 42, p. 148, Vol. 43, p. 174, Vol. 44, p. 102.  
U.S.C. p. 41; Ecop. Vol. 9, p. 81.  
Appointments outside civil service.  
Penalty.  
Salary restriction.

"Emergency Act" provisions not applicable.  
Act, p. 14.

Cooperative producer associations may act as distributing agents of benefit payments.

Conversion factors for any commodity, etc., may be established.

Determination of tax, etc.

Penalty for violation.

Regulations authorized.

Determination of amount of rental, etc., payment; review by Secretary.

Provisions not applicable to designated possessions of U.S.

Speculation in agricultural commodities.

Person administering title forbidden.  
Penalty for.

Power to secure information, etc.  
Val. 35, pp. 771, 781.  
U.S.C. p. 134.





**Hearings**

any person subject to the provisions of this title, whether or not a corporation. Hearings authorized or required under this title shall be conducted by the Secretary of Agriculture or such officer or employee of the Department as he may designate for the purpose.

**Enforcement of agreements**

The Secretary may report any violation of any agreement entered into under part 2 of this title to the Attorney General of the United States, who shall cause appropriate proceedings to enforce such agreement to be commenced and prosecuted in the proper courts of the United States without delay.

**COMMODITIES****"Basic agricultural commodity" defined.****Authority to exclude any commodity**

SEC. 11. As used in this title, the term "basic agricultural commodity" means wheat, cotton, field corn, hogs, rice, tobacco, and milk and its products, and any regional or market classification, type, or grade thereof; but the Secretary of Agriculture shall exclude from the operation of the provisions of this title, during any period, any such commodity or classification, type, or grade thereof if he finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that the conditions of production, marketing, and consumption are such that during such period this title can not be effectively administered to the end of effectuating the declared policy with respect to such commodity or classification, type, or grade thereof.

**APPROPRIATION****Appropriation for administrative expenses****Available until expended****Supplemental funds for expansion of markets, etc.****Administrative expenses****Estimate of needs****Advances****Services, etc., in the District of Columbia****Transfer of funds**

SEC. 12. (a) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to be available to the Secretary of Agriculture for administrative expenses under this title and for rental and benefit payments made with respect to reduction in acreage or reduction in production for market under part 2 of this title. Such sum shall remain available until expended.

(b) In addition to the foregoing, the proceeds derived from all taxes imposed under this title are hereby appropriated to be available to the Secretary of Agriculture for expansion of markets and removal of surplus agricultural products and the following purposes under part 2 of this title: Administrative expenses, rental and benefit payments, and refunds on taxes. The Secretary of Agriculture and the Secretary of the Treasury shall jointly estimate from time to time the amounts, in addition to any money available under subsection (a), currently required for such purposes; and the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture the amounts so estimated. The amount of any such advance shall be deducted from such tax proceeds as shall subsequently become available under this subsection.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses incurred and refunds made by such department or agencies in the administration of this title.

## TERMINATION OF ACT

Termination of Act

SEC. 13. This title shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended; and pending such time the President shall by proclamation terminate with respect to any basic agricultural commodity such provisions of this title as he finds are not requisite to carrying out the declared policy with respect to such commodity. The Secretary of Agriculture shall make such investigations and reports thereon to the President as may be necessary to aid him in executing this section.

Investigation, etc., by Secretary of Agriculture.

## SEPARABILITY OF PROVISIONS

Separability clause

SEC. 14. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

## SUPPLEMENTARY REVENUE PROVISIONS

Supplementary revenue provisions

## EXEMPTIONS AND COMPENSATING TAXES

SEC. 15. (a) If the Secretary of Agriculture finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that any class of products of any commodity is of such low value compared with the quantity of the commodity used for their manufacture that the imposition of the processing tax would prevent in whole or in large part the use of the commodity in the manufacture of such products and thereby substantially reduce consumption and increase the surplus of the commodity, then the Secretary of Agriculture shall so certify to the Secretary of the Treasury, and the Secretary of the Treasury shall abate or refund any processing tax assessed or paid after the date of such certification with respect to such amount of the commodity as is used in the manufacture of such products.

Exemption of commodity of low value from processing tax

(b) No tax shall be required to be paid on the processing of any commodity by or for the producer thereof for consumption by his own family, employees, or household; and the Secretary of Agriculture is authorized, by regulations, to exempt from the payment of the processing tax the processing of commodities by or for the producer thereof for sale by him where, in the judgment of the Secretary, the imposition of a processing tax with respect thereto is unnecessary to effectuate the declared policy.

No tax on processing by producer for home consumption

(c) Any person delivering any product to any organization for charitable distribution or use shall, if such product or the commodity from which processed, is under this title subject to tax, be entitled to a refund of the amount of any tax paid under this title with respect to such product so delivered.

Tax refund on product for charitable distribution

(d) The Secretary of Agriculture shall ascertain from time to time whether the payment of the processing tax upon any basic agricultural commodity is causing or will cause to the processors thereof disadvantages in competition from competing commodities by reason of excessive shifts in consumption between such commodities or products thereof. If the Secretary of Agriculture finds, after investigation and due notice and opportunity for hearing to interested parties, that such disadvantages in competition exist, or will exist, he shall proclaim such finding. The Secretary shall specify in this proclamation the competing commodity and the compensating rate of tax on the processing thereof necessary to prevent such

Secretary to ascertain and proclaim whether tax on basic agricultural commodities is causing or will cause to the processors thereof disadvantages in competition

Competing commodity and compensating tax rate to be specified

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Rate to be levied  
accordingly.

Limitation.

Equivalent tax  
paid on imports.

Proviso.  
Taxes on articles  
from U.S. possessions  
not included herein.

To be expended for  
benefit of agriculture.

disadvantages in competition. Thereafter there shall be levied, assessed, and collected upon the first domestic processing of such competing commodity a tax, to be paid by the processor, at the rate specified, until such rate is altered pursuant to a further finding under this section, or the tax or rate thereof on the basic agricultural commodity is altered or terminated. In no case shall the tax imposed upon such competing commodity exceed that imposed per equivalent unit, as determined by the Secretary, upon the basic agricultural commodity.

(a) During any period for which a processing tax is in effect with respect to any commodity there shall be levied, assessed, collected, and paid upon any article processed or manufactured wholly or in chief value from such commodity and imported into the United States or any possession thereof to which this title applies, from any foreign country or from any possession of the United States to which this title does not apply, a compensating tax equal to the amount of the processing tax in effect with respect to domestic processing at the time of importation: *Provided*, That all taxes collected under this subsection upon articles coming from the possessions of the United States to which this title does not apply shall not be covered into the general fund of the Treasury of the United States but shall be held as a separate fund and paid into the Treasury of the said possessions, respectively, to be used and expended by the governments thereof for the benefit of agriculture. Such tax shall be paid prior to the release of the article from customs custody or control.

#### FLOOR STOCKS

Floor stocks.  
Tax adjustment.

Levy, etc., of tax on  
date processing tax  
takes effect.

Corresponding  
refund, etc., on  
date of tax.

Stocks in retail trade  
not affected.

Exempt stock.

Refund, etc., not  
applicable.

SEC. 16. (a) Upon the sale or other disposition of any article processed wholly or in chief value from any commodity with respect to which a processing tax is to be levied, that on the date the tax first takes effect or wholly terminates with respect to the commodity, is held for sale or other disposition (including articles in transit) by any person, there shall be made a tax adjustment as follows:

(1) Whenever the processing tax first takes effect, there shall be levied, assessed, and collected a tax to be paid by such person equivalent to the amount of the processing tax which would be payable with respect to the commodity from which processed if the processing had occurred on such date.

(2) Whenever the processing tax is wholly terminated, there shall be refunded to such person a sum (or if it has not been paid, the tax shall be abated) in an amount equivalent to the processing tax with respect to the commodity from which processed.

(b) The tax imposed by subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held at the date the processing tax first takes effect; but such retail stocks shall not be deemed to include stocks held in a warehouse on such date, or such portion of other stocks held on such date as are not sold or otherwise disposed of within thirty days thereafter. The tax refund or abatement provided in subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held on the date the processing tax is wholly terminated.

#### EXPORTATIONS

Export refund.

SEC. 17. (a) Upon the exportation to any foreign country (including the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam) of any product with respect to which a tax has been paid under this title, or of any product processed wholly or in chief value from a commodity with respect to which a tax

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has been paid under this title the exporter thereof shall be entitled at the time of exportation to a refund of the amount of such tax.

(b) Upon the giving of bond satisfactory to the Secretary of the Treasury for the faithful observance of the provisions of this title requiring the payment of taxes, any person shall be entitled, without payment of the tax, to process for such exportation any commodity with respect to which a tax is imposed by this title, or to hold for such exportation any article processed wholly or in chief value therefrom.

#### EXISTING CONTRACTS

SEC. 18. (a) If (1) any processor, jobber, or wholesaler has, prior to the date a tax with respect to any commodity is first imposed under this title, made a bona fide contract of sale for delivery on or after such date, of any article processed wholly or in chief value from such commodity, and if (2) such contract does not permit the addition to the amount to be paid thereunder of the whole of such tax, then (unless the contract prohibits such addition) the vendee shall pay so much of the tax as is not permitted to be added to the contract price.

(b) Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated and shall be collected and paid to the United States by the vendor in the same manner as other taxes under this title. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner of Internal Revenue who shall cause collections of such taxes to be made from the vendee.

#### COLLECTION OF TAXES

SEC. 19. (a) The taxes provided in this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the Treasury of the United States.

(b) All provisions of law, including penalties, applicable with respect to the taxes imposed by section 600 of the Revenue Act of 1916, and the provisions of section 626 of the Revenue Act of 1932, shall, in so far as applicable and not inconsistent with the provisions of this title, be applicable in respect of taxes imposed by this title: *Provided*, That the Secretary of the Treasury is authorized to permit postponement, for a period not exceeding ninety days, of the payment of taxes covered by any return under this title.

(c) In order that the payment of taxes under this title may not impose any immediate undue financial burden upon processors or distributors, any processor or distributor subject to such taxes shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act.

## TITLE II—AGRICULTURAL CREDITS

### PART I—AMENDMENTS TO FEDERAL FARM LOAN ACT

#### ISSUANCE OF BONDS BY LAND BANKS

SECTION 21. Section 32 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 991), is amended by adding at the end thereof the following new paragraph:

"Until such time as the Farm Loan Commissioner determines that Federal farm-loan bonds (other than those issued under this paragraph) are readily salable in the open market at a yield not in excess of 4 per centum per annum, but in no case more than two years after

Processing for exportation.  
Tax free under bond.

Existing contracts.

Prior contracts for delivery after effective date.

Payment by vendee.

Collection and payment by vendor.

Report of failure.

Collection of taxes.

Provisions governing collection.  
Vol. 44, p. 33; Vol. 47, p. 257.

Postponement.

Loans to processors.

Vol. 47, p. 4.

AGRICULTURAL CREDITS.

Federal Farm Loan Act amended by U.S.C., title 12, sec. 991, p. 103.  
U.S.C., p. 114.  
Federal land banks may issue farm loan bonds.

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For making new loans. This paragraph takes effect, Federal land banks may issue farm-loan bonds as authorized under this Act, for the purpose of making new loans, or for purchasing mortgages or exchanging bonds for mortgages as provided in paragraph 'Second' of section 13 of this Act. The aggregate amount of the bonds issued under this paragraph shall not exceed \$2,000,000,000, and such bonds shall be issued in such denominations as the Farm Loan Commissioner shall prescribe, shall bear interest at a rate not in excess of 4 per centum per annum, and shall be fully and unconditionally guaranteed as to interest by the United States, and such guaranty shall be expressed on the face thereof. In the event that it shall appear to the Farm Loan Commissioner that the issuing bank or banks will be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall, upon the request of the Commissioner, pay the amount thereof, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the issuing bank or banks and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. After the expiration of one year from the date this paragraph takes effect, if in the opinion of the Farm Loan Commissioner any part of the proceeds of the bonds authorized to be issued under this paragraph is not required for the purpose of making new loans or for purchasing mortgages or exchanging bonds for mortgages as herein provided, such bonds may be issued within the maximum limit herein specified for the purpose of refinancing any outstanding issues of Federal farm-loan bonds; but no such bonds shall be issued after two years from the date this paragraph takes effect for the purpose of such refinancing. Any borrower who obtains a loan from a Federal land bank after the date this paragraph takes effect may, at any time after the expiration of five years from the date such loan was made, tender to such bank on any regular installment date, bonds issued under this paragraph in an amount not to exceed the unpaid principal of his loan, and the bonds so tendered shall be accepted by the bank at par in payment of any part of such unpaid principal."

Purchasing outstanding farm mortgages. Vol. 39, p. 372; U.S.C. p. 306. Maximum issue; denominations, etc.

Interest guaranteed.

Payment by Secretary if issuing bank unable.

Appropriation authorized. To become obligation against such bank.

Use, for refinancing outstanding loans.

Final issue.

Borrower may tender interest-guaranteed bonds in payment.

Acceptance at par authorized.

## Farm mortgages.

## PURCHASE, REDUCTION, AND REFINANCING OF FARM MORTGAGES

Vol. 39, p. 372, amended. U.S.C., p. 306.

SEC. 22. Paragraph "Second" of section 13 of the Federal Farm Loan Act, as amended, is amended by adding at the end thereof the following new sentence:

Purchase, reduction, refinancing, etc.

"In order to reduce and/or refinance farm mortgages, to invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting, or to exchange farm-loan bonds for any duly recorded first mortgages on farm lands executed prior to the date this paragraph, as amended, takes effect, at a price which shall not exceed in each individual case the amount of the unpaid principal of the mortgage on the date of such purchase or exchange, or 50 per centum of the normal value of the land mortgaged and 20 per centum of the value of the permanent insured improvements thereon as determined upon an appraisal made pursuant to this Act, whichever is the smaller: *Provided*, That any mortgagor whose mortgage is acquired by a Federal land bank under this paragraph shall be entitled to have his farm-mortgage indebtedness refinanced in accordance with the provisions of sections 7 and 8 of this Act on the basis of the amount paid by the bank for his mortgage."

Limitation on price.

Priority. Mortgagor's rights.

Vol. 39, pp. 365, 367; U.S.C., pp. 302-304.

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## EXTENSION OF LOANS

SEC. 23. Paragraph "Tenth" of section 13 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 781), is amended by adding at the end thereof the following: "The terms of any such extension shall be such as will not defer the collection of any obligation due by any borrower which, after investigation by the bank of the situation of such borrower, is shown to be within his capacity to meet. In the case of any such extension made prior to the expiration of five years from the date this paragraph as amended takes effect, or in the case of any deferment of principal as provided in paragraph 'Twelfth' of section 12 of this Act, it shall be the duty of the Secretary of the Treasury, on behalf of the United States, upon the request of the Federal land bank making the extension, and with the approval of the Farm Loan Commissioner, to subscribe at such periods as the Commissioner shall determine, to the paid-in surplus of such bank an amount equal to the amount of all such extensions and deferments made by the bank during the preceding period. Such subscriptions shall be subject to call, in whole or in part, by the bank with the approval of the Commissioner upon thirty days' notice. To enable the Secretary of the Treasury to make such subscriptions to the paid-in surplus of the Federal land banks, there is hereby authorized to be appropriated the sum of \$50,000,000, to be immediately available and remain available until expended. Upon payment to any Federal land bank of the amount of any such subscription, such bank shall execute and deliver a receipt therefor to the Secretary of the Treasury in form to be prescribed by the Farm Loan Commissioner. The amount of any subscriptions to the paid-in surplus of any such bank may be repaid in whole or in part at any time in the discretion of the bank and with the approval of the Farm Loan Commissioner, and the Commissioner may at any time require such subscriptions to be repaid in whole or in part if in his opinion the bank has resources available therefor."

Extension of loans.  
Vol. 47, p. 14.  
U.S.C., Supp. VI.  
p. 142, amended.  
Term not to exceed  
borrower's capacity to  
meet.

Treasury subscrip-  
tion to paid-in surplus  
to cover extension, etc.

Subscriptions subject  
to call.

Sum authorized for.

Repayment.

## REDUCTION OF INTEREST ON LOANS AND DEFERMENT OF PRINCIPAL

SEC. 24. Section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, secs. 771-772), is amended by adding at the end thereof the following new paragraph:

"Twelfth. Notwithstanding the provisions of paragraph 'Second,' the rate of interest on any loans on mortgage made through national farm-loan associations or through agents as provided in section 15, or purchased from joint-stock land banks, by any Federal land bank, outstanding on the date this paragraph takes effect or made through national farm-loan associations within two years after such date, shall not exceed  $4\frac{1}{2}$  per centum per annum for all interest payable on installment dates occurring within a period of five years commencing sixty days after the date this paragraph takes effect; and no payment of the principal portion of any installment of any such loan shall be required during such five-year period if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rate of interest on such loans for such five-year period shall be 5 per centum in lieu of  $4\frac{1}{2}$  per centum. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Farm Loan Commissioner certifies to the Secre-

Loans and deferment  
of principal.

Vol. 35, p. 372,  
amended.  
U.S.C. p. 306.

Interest rate on loans  
by national farm-loan  
associations reduced.  
U.S.C., p. 307.

Payment of principal  
suspended if bor-  
rower not in default.

Applicable to land  
bank loans; interest  
rate reduced.

Compensation for  
loss.  
Appropriation for.  
Post, p. 279.

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tary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph; but in any case in which the Farm Loan Commissioner finds that the amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 32 of this Act, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1938. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent fiscal years.

Less any savings effected.

Post, p. 48.

Final payments.

Appropriation authorized.  
Post, p. 279.

#### INCREASE OF AMOUNT OF LOANS TO BORROWERS

Federal land bank mortgage loans.  
Maximum limit increased.

Vol. 42, p. 1476.  
U.S.C., p. 306.

Restriction.

SEC. 25. Paragraph "Seventh" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771) (relating to the limitations as to amount of loans), is amended by striking out "\$25,000" and inserting "\$50,000, but loans to any one borrower shall not exceed \$25,000 unless approved by the Farm Loan Commissioner."

#### DIRECT LOANS

Federal Farm Loan Act, amended.  
Vol. 39, p. 367.  
U.S.C., p. 303.

Direct loans on first mortgages to farmers unable to apply to Federal land bank, etc.

Provisions governing.

Interest rate.

Borrower required to covenant for proportionate stock in such bank.

Use as collateral security, etc.

Cancellation, upon loan repayment.

SEC. 26. Section 7 of the Federal Farm Loan Act, as amended, is amended by striking out the last paragraph and inserting in lieu thereof the following new paragraphs:

"Whenever it shall appear to the Farm Loan Commissioner that national farm-loan associations have not been formed in any locality in the continental United States, or that the farmers residing in the territory covered by the charter of a national farm-loan association are unable to apply to the Federal land bank of the district for loans on account of the inability of the bank to accept applications from such association, the Farm Loan Commissioner shall authorize said bank to make direct loans to borrowers secured by first mortgages on farm lands situated within any such locality or territory. Except as herein otherwise specifically provided, all provisions of this Act applicable with respect to loans made through national farm-loan associations shall, insofar as practicable, apply with respect to such direct loans, and the Farm Loan Commissioner is authorized to make such rules and regulations as he may deem necessary with respect to such direct loans.

"The rate of interest on such direct loans made at any time by any Federal land bank shall be one-half of 1 per centum per annum in excess of the rate of interest charged to borrowers on mortgage loans made at such time by the bank through national farm-loan associations.

"Each borrower who obtains a direct loan from a Federal land bank shall subscribe and pay for stock in such bank in the sum of \$5 for each \$100 or fraction thereof borrowed. Such stock shall be held by such Federal land bank as collateral security for the loan of the borrower and shall participate in all dividends. Upon full payment of the loan such stock shall, if still outstanding, be canceled at par, or, in the event that such stock shall have become impaired, at the estimated value thereof as approved by the Farm Loan Commissioner, and the proceeds thereof shall be paid to the borrower.



"Each such borrower may covenant in his mortgage that, whenever there are ten or more borrowers who have obtained from a Federal land bank direct loans under the provisions of this section aggregating not less than \$20,000, and who reside in a locality which may, in the opinion of the Farm Loan Commissioner, be conveniently covered by the charter of and served by a national farm-loan association, he will unite with such other borrowers to form a national farm-loan association. Such borrowers shall organize the association subject to the requirements and the conditions specified in this section, so far as the same may be applicable, and in accordance with rules and regulations of the Farm Loan Commissioner. As soon as the organization of the association has been approved by the Farm Loan Commissioner, the stock in the Federal land bank held by each of the members of such association shall be canceled at par, and in lieu thereof the bank shall issue in the name of the association an equal amount of stock in said bank, which stock shall be held by said bank as collateral security as provided in this section with respect to other loans through national farm-loan associations. Thereupon there shall be issued to each such member an amount of capital stock in the association equal to the amount which he previously held in said bank, which stock shall be held by said association as collateral security as provided in section 8 of this Act. The board of directors of said association shall adopt a resolution authorizing and directing its secretary-treasurer on behalf of said association to endorse, and thereby become liable for the payment of, the mortgages taken from its charter members by the Federal land bank. When it shall appear to the satisfaction of the Farm Loan Commissioner that all the foregoing conditions have been complied with, and upon the granting of the charter by the Farm Loan Commissioner, the interest rate paid by each charter member of such association whose loan is in good standing shall, beginning with his next regular installment date, be reduced to the rate of interest paid by borrowers on new loans made through national farm-loan associations in the same Federal land-bank district at the time the said loan was made to such charter member.

"Charges to be paid by applicants for direct loans from a Federal land bank shall not exceed amounts to be fixed by the Farm Loan Commissioner and shall in no case exceed the charges which may be made to applicants for loans and borrowers through national farm-loan associations under the provisions of sections 11 and 13 of this Act."

#### LOANS TO RECEIVERS

SEC. 27. Any receiver appointed by the Federal Farm Loan Board pursuant to section 29 of the Federal Farm Loan Act, as amended, or any receiver appointed by a district court of the United States, is authorized, for the purpose of paying taxes on farm real estate owned by the bank or securing the mortgages held by it, with the approval of the Farm Loan Commissioner, to borrow from the Reconstruction Finance Corporation and to issue receiver's certificates against the assets of such bank as security for any loan received from the Corporation under this section, and such certificates shall constitute a prior lien on such assets. The Reconstruction Finance Corporation is authorized to make loans to such receivers for the purposes of this section.

Borrower to covenant joining a farm-loan association when locally formed.

Organization, etc.

Exchange of stock.

Held as collateral security.

Issue of capital stock; use as collateral.

Liability for payment of mortgages.

Interest reduced when conditions complied with.

Charges for direct loans.

Vol. 39, pp. 369, 372.

Receivers to borrow on security of receiver's certificates for paying taxes, etc.  
Vol. 39, p. 381.

Prior lien constituted.

Reconstruction Finance Corporation to make such loans.

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## FEDERAL FARM-LOAN BONDS AS SECURITY FOR ADVANCES BY FEDERAL RESERVE BANKS

Farm loan bonds as security for advances by Federal Reserve Banks.  
Vol. 33, p. 263.  
Vol. 39, p. 384.  
Anix, p. 41.

SEC. 28. The eighth paragraph of section 13 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "or by the deposit or pledge of bonds issued pursuant to the paragraph added to section 32 of the Federal Farm Loan Act, as amended by section 21 of the Emergency Farm Mortgage Act of 1933."

Joint-stock land banks.

## PART 2—JOINT-STOCK LAND BANKS

## LIMITATIONS ON ISSUE OF BONDS AND LENDING

Limitations on issue of bonds and lending.

SEC. 29. After the date of enactment of this Act, no joint-stock land bank shall issue any tax-exempt bonds or make any farm loans except such as are necessary and incidental to the refinancing of existing loans or bond issues or to the sale of any real estate now owned or hereafter acquired by such bank.

## LOANS TO JOINT-STOCK LAND BANKS TO PROVIDE FOR ORDERLY LIQUIDATION

Reconstruction Finance Corporation.  
Loans to joint-stock land banks, to provide orderly liquidation.

Interest rate.

Maximum amount.

Collateral security.

Appraisal of.

Loans not to exceed 60 percent of collateral value.

Agreement by bank to reduce interest upon all first mortgages to 5 percent.

Not to proceed against mortgagor in default.

SEC. 30. (a) The Reconstruction Finance Corporation is authorized and directed to make available to the Farm Loan Commissioner, out of the funds of the Corporation, the sum of \$100,000,000, to be used, for a period not exceeding two years from the date of enactment of this Act, for the purpose of making loans to the joint-stock land banks organized and doing business under the Federal Farm Loan Act, as amended, at a rate of interest not to exceed 4 per centum per annum, payable annually. Such loans shall be made upon application therefor by such banks and upon compliance with the requirements of this section. The amount which may be loaned hereunder to any such bank shall not exceed an amount having the same proportion to the said \$100,000,000 as the unpaid principal of the mortgages held by such bank on the date of enactment of this Act bears to the total amount of the unpaid principal of the mortgages held by all the joint-stock land banks on such date.

(b) Any joint-stock land bank applying for a loan under this section shall deliver to the Farm Loan Commissioner as collateral security therefor first mortgages or purchase-money mortgages on farm lands, first mortgages on farm real estate owned by the bank in fee simple, or such other collateral as may be available to said bank, including sales contracts and sheriff's certificates on farm lands. The real estate upon which such collateral is based shall be appraised by appraisers appointed under the Federal Farm Loan Act, as amended, and the borrowing bank shall be entitled to borrow not to exceed 60 per centum of the normal value of such real estate as determined by such appraisal. Fees for such appraisals shall be paid by the applicant banks in such amounts as may be fixed by the Farm Loan Commissioner. No such loan shall be made until the applicant bank, under regulations to be prescribed by the Farm Loan Commissioner, (1) shall have agreed to grant to each borrower then indebted to the bank under the terms of a first mortgage a reduction to 5 per centum per annum in the rate of interest specified in such mortgage, beginning at his next regular installment date occurring more than sixty days after the date of enactment of this Act, and (2) shall have agreed to the satisfaction of the Commissioner that during a period of two years from the date of enactment of this Act the bank will not proceed against the mortgagor on account of default in the payment of interest or principal due under

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## FEDERAL

the terms of its mortgage and will not foreclose its mortgage unless the property covered by such mortgage is abandoned by the mortgagor or unless, in the opinion of the Commissioner, such foreclosure is necessary for other reasons. Such loans shall be made to aid the orderly liquidation of any such bank in accordance with such plan as may be approved by the Farm Loan Commissioner. Before any such plan is approved by the Commissioner he shall be satisfied that the plan carries out the purposes of this section and that such part of the proceeds of the loan as is devoted to settlements with bondholders will be used only to effect an equitable settlement with all bondholders. After the plan has been approved by the Commissioner he shall require the bank to mail a copy thereof to all its known bondholders and to publish a notice setting forth its provisions in at least three newspapers having general circulation.

Not to foreclose, except when abandonment, etc.

Approval necessary.

Notice to bondholders, etc.

#### LOANS BY THE FARM LOAN COMMISSIONER TO JOINT-STOCK LAND BANKS FOR EMERGENCY PURPOSES

SEC. 31. (a) Out of the funds made available to him under section 30, the Farm Loan Commissioner is authorized to make loans, in an aggregate amount not exceeding \$25,000,000, at a rate of interest not to exceed 4 per centum per annum, to any joint-stock land bank for the purpose of securing the postponement for two years from the date of the enactment of this Act of the foreclosure of first mortgages held by such banks on account of (1) default in the payment of interest and principal due under the terms of the mortgage, and (2) unpaid delinquent taxes, excluding interest and penalties, which may be secured by the lien of said mortgage: *Provided*, That during the period of postponement of foreclosure such bank shall charge the mortgagor interest at a rate not exceeding 4 per centum per annum on the aggregate amount of such delinquent taxes and defaulted interest and principal with respect to which loans are made pursuant to this section. The amount loaned to any joint-stock land bank under this section shall be made without reappraisal: *Provided*, That the amount loaned with respect to any mortgage on account of unpaid principal shall not exceed 5 per centum of the total unpaid principal of such mortgage, and the total amount loaned to any such land bank with respect to any mortgage shall not exceed 25 per centum of the total unpaid principal of such mortgage.

Farm Loan Commissioner.

Loans by, to joint-stock land banks, for certain emergencies.

On account of default in interest or principal. Delinquent taxes, etc.

*Provided*. Interest rate during period.

Reappraisal unnecessary.

Maximum loan on account of unpaid principal.

Conditions for making loan. Default of mortgagor.

Bank will not foreclose.

Exceptions.

Loan to be secured by assignment of tax lien, mortgage, etc.

*Provided*. Status of assigned lien.

Additional collateral may be required.

(b) No such loan shall be made with respect to any mortgage unless the Farm Loan Commissioner is satisfied that the mortgagor, after exercising ordinary diligence to pay his accrued delinquent taxes, and meet accrued interest and principal payments, has defaulted thereon; and unless the bank shall have agreed to the satisfaction of the Farm Loan Commissioner that during such two-year period the bank will not foreclose such mortgage unless the property covered thereby is abandoned by the mortgagor or unless in the opinion of the Farm Loan Commissioner such foreclosure is necessary for other reasons.

(c) Each such loan shall be secured by an assignment to the Farm Loan Commissioner of the lien of the taxes and/or of the bank's mortgage with respect to which the loan is made: *Provided*, That the part of each such lien so assigned representing the interest and principal due and unpaid in any such mortgage which has been assigned to the farm loan registrar shall be subordinate to the existing lien of the bank for the balance of the indebtedness then or thereafter to become due under the terms of such mortgage; but the Farm Loan Commissioner may require the bank to furnish additional collateral as security for such loan, if such collateral is available to the bank.

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Rules, etc., authorized.

(d) The Farm Loan Commissioner is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section and to make the relief contemplated immediately available.

Loans to farmers by Farm Loan Commissioner.

### PART 3—LOANS TO FARMERS BY FARM LOAN COMMISSIONER

#### REDUCTION OF DEBTS AND REDEMPTION OF FORECLOSED FARMS

Sums available for direct loans.

Security.

Maximum amount, including existing indebtedness.

Amortization plan of repayment.

Proviso.  
Payments on principal may be suspended first 3 years, if not in default.

Agreement with holder of prior mortgage.

Purposes set forth.  
Refinancing indebtedness.

Vol. 47, p. 1467.

Providing working capital.  
Redeeming property lost through foreclosure, etc.

Charges to borrowers.  
Vol. 39, p. 372.

"Farmer" defined.

SEC. 32. The Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Farm Loan Commissioner the sum of \$200,000,000, or so much thereof as may be necessary, to be used for the purpose of making loans as hereinafter provided to any farmer, secured by a first or second mortgage upon the whole or any part of the farm property, real or personal, including crops, of the farmer. The amount of the mortgage given by any farmer, together with all prior mortgages or other evidences of indebtedness secured by such farm property of the farmer, shall not exceed 75 per centum of the normal value thereof, as determined upon an appraisal made pursuant to the Federal Farm Loan Act, as amended; nor shall a loan in excess of \$5,000, be made to any one farmer. Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate not to exceed 5 per centum per annum and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property and made for the purpose of reducing and refinancing an existing mortgage within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act, as amended, from the date the first payment on principal is due: *Provided*, That during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. No loan shall be made under this section unless the holder of any prior mortgage or instrument of indebtedness secured by such farm property arranges to the satisfaction of the Farm Loan Commissioner to limit his right to proceed against the farmer and such farm property for default in payment of principal. Loans under this section shall be made for the following purposes only: (1) Refinancing, either in connection with proceedings under chapter VIII of the Bankruptcy Act of July 1, 1898, as amended (relating to agricultural compositions and extensions), or otherwise, any indebtedness, secured or unsecured, of the farmer, (2) providing working capital for his farm operations, and (3) enabling any farmer to redeem and/or repurchase farm property owned by him prior to foreclosure which has been foreclosed at any time between July 1, 1931, and the date of the enactment of this Act, or which is foreclosed after the enactment of this Act. The provisions of paragraph "Ninth" of section 13 of the Federal Farm Loan Act, as amended (relating to charges to applicants for loans and borrowers from the Federal land banks), shall, so far as practicable, apply to loans made under this section. As used in this section, the term "farmer" means any individual who is bona fide engaged in farming operations, either personally or through an agent or tenant, or the principal part of whose income is derived from farming operations, and includes a personal representative of a deceased farmer.

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## REGULATIONS

Regulations.

SEC. 33. The Farm Loan Commissioner is authorized to make such rules and regulations, and to appoint, employ, and fix the compensation of such officers, employees, attorneys, and agents as may be necessary to carry out the purposes of this title and to make the relief contemplated by this title immediately available, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided*, That no salary or compensation in excess of \$10,000 shall be paid to any person employed under the terms of the foregoing section.

Authority of Farm Loan Commissioner to make; to fix compensation rates, etc.

*Provis.*  
Salary restriction.

## FACILITIES OF FEDERAL LAND BANKS AND NATIONAL FARM LOAN ASSOCIATIONS MADE AVAILABLE

SEC. 34. The Federal land banks and the national farm loan associations are authorized, upon request of the Farm Loan Commissioner, to make available to him their services and facilities to aid in administering the provisions of this title.

Facilities made available.

## PENALTIES

Penalties.

SEC. 35. Any person who shall knowingly make any material false representation for the purpose of obtaining any loan under part 3 of this title, or in assisting in obtaining any such loan, shall, upon conviction thereof, be fined not more than \$1,000, or imprisoned not more than six months, or both.

## PART 4—REFINANCING OF AGRICULTURAL IMPROVEMENT DISTRICT

Refinancing of agricultural improvement district indebtedness.

## INDEBTEDNESS FOR THE BENEFIT OF FARMERS

## LOANS BY RECONSTRUCTION FINANCE CORPORATION

Loans by Reconstruction Finance Corporation.

SEC. 36. The Reconstruction Finance Corporation is authorized and empowered to make loans as hereinafter provided, in an aggregate amount not exceeding \$50,000,000; to drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, duly organized under the laws of any State, and to political subdivisions of States, which prior to the date of enactment of this Act, have completed projects devoted chiefly to the improvement of lands for agricultural purposes. Such loans shall be made for the purpose of enabling any such district or political subdivision (hereafter referred to as the "borrower") to reduce and refinance its outstanding indebtedness incurred in connection with any such project, and shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended; except that (1) the term of any such loan shall not exceed forty years; (2) each such loan shall be secured by refunding bonds issued to the Corporation by the borrower which are a lien on the real property within the project or on the amount of the assessments levied on such property by the borrower pursuant to State law, or by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any bonds so secured except with the consent of the Corporation; (4) the borrower shall pay to the Corporation, until all bonds of the borrower held by the Corporation are retired, an amount equal to the amount by which the assessments against the real property within the project collected by the borrower exceed the costs of operation

Amount authorized, to reduce and refinance indebtedness of drainage, etc., districts.  
*Part, p. 308.*

State subdivision agricultural projects.

Terms and conditions.

Vol. 47, p. 6.  
Exception.  
Term limitation.  
Security.

Bonds not to issue without Corporation's consent.

Payment of excess over operation, interest, etc., until outstanding bonds are retired.

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Corresponding reduction of indebtedness to borrower.

Pro rata basis.

Cancellation to equal reduction so distributed.

Corporation to participate.

Requirements to be met before loan made.

Borrowing power of Corporation increased.

Advances to reclamation funds made available.  
Vol. 47, p. 5; Vol. 32, p. 253.

Repayment.

Manner of expenditure.

and maintenance of the project and interest on its outstanding obligations; and (5) the borrower shall agree, to the satisfaction of the Corporation, to reduce the outstanding indebtedness to the borrower of the landowners within such project by an amount corresponding to that by which the indebtedness of the borrower is reduced by reason of the operation of this section, to distribute the amount of such reduction among such landowners on a pro rata basis, to cancel and retire its outstanding bonds in an aggregate amount equal to the amount of the reduction so distributed, and to permit the Corporation, in the case of the payment of the bonds of the borrower or the liquidation of such project, to participate in such payment or in the proceeds of such liquidation on the basis of the face amount of the bonds so retired plus the face amount of the bonds held by the Corporation as security for the loan. No loan shall be made under this section until the Reconstruction Finance Corporation (A) has caused an appraisal to be made of the property securing and/or underlying the outstanding bonds of the applicant, (B) has determined that the project of the applicant is economically sound, and (C) has been satisfied that an agreement has been entered into between the applicant and the holders of its outstanding bonds under which the applicant will be able to purchase or refund such bonds at a price determined by the Corporation to be reasonable after taking into consideration the average market price of such bonds over the six months' period ending March 1, 1933, and under which a substantial reduction will be brought about in the amount of the outstanding indebtedness of the applicant.

SEC. 37. The Reconstruction Finance Corporation, upon request of the Secretary of the Interior, is authorized and empowered to advance from funds made available by section 2 of the Act of January 22, 1932 (47 Stat.L. 5), to the reclamation fund created by the Act of June 17, 1902 (32 Stat.L. 388), such sum or sums as the Secretary of the Interior may deem necessary, not exceeding \$5,000,000, for the completion of projects or divisions of projects now under construction, or projects approved and authorized. Funds so advanced shall be repaid out of any receipts and accretions accruing to the reclamation fund within such time as may be fixed by the Reconstruction Finance Corporation, not exceeding five years from the date of advance, with interest at the rate of 4 per centum per annum. Sums so advanced may be expended in the same way as other moneys in the reclamation fund.

#### PART 5—INCREASE OF LENDING POWER OF RECONSTRUCTION FINANCE CORPORATION

Increase of lending power of Corporation.

Vol. 47, p. 9.

SEC. 33. In order to provide funds to carry out the purposes of this title, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time, is hereby increased by \$300,000,000.

Farm Loan Commissioner.

#### PART 6—FUNCTIONS OF FARM LOAN COMMISSIONER UNDER EXECUTIVE ORDERS

Functions of, under Executive orders.

Vol. 47, p. 413.

SEC. 39. If and when any executive order heretofore transmitted to the Congress pursuant to title IV of part II of the Legislative Appropriation Act of 1933, as amended, shall become effective, all functions, powers, authority, and duties conferred upon or vested in the Farm Loan Commissioner by this title shall be held and exer-



Purchased directly and hold Treasury bills, etc., additional to present holdings.

Suspension of reserve requirements not to impose graduated tax on any deficiency in reserves.  
Vol. 33, p. 262.

Interest or discount rates.

Measures to prevent undue credit expansion.

If unable to secure assent of Federal Reserve banks to authorized agreements, etc.

Authority of President.

United States notes may be issued.

Vol. 12, p. 345.

Size, color, denominations, etc.

Purposes of issue defined.

Proviso. Retirement of bonds so purchased.

Issues, amounts, etc.

Appropriation for annual cancellation.

Notes, etc., to be legal tender.  
Post, p. 113.

President, by proclamation, to fix weight of gold dollar.  
Silver dollar.

Unlimited coinage of gold and silver dollar at fixed ratio.

United States is the majority stockholder, and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of \$3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11(c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11(c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States", approved February 25, 1862, and Acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of \$1, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, and \$10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed \$3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 per centum annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 per centum of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States

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enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum.

SEC. 44. The Secretary of the Treasury, with the approval of the President, is hereby authorized to make and promulgate rules and regulations covering any action taken or to be taken by the President under subsection (a) or (b) of section 43.

SEC. 45. (a) The President is authorized, for a period of six months from the date of the passage of this Act, to accept silver in payment of the whole or any part of the principal or interest now due, or to become due within six months after such date, from any foreign government or governments on account of any indebtedness to the United States, such silver to be accepted at not to exceed the price of 50 cents an ounce in United States currency. The aggregate value of the silver accepted under this section shall not exceed \$200,000,000.

(b) The silver bullion accepted and received under the provisions of this section shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of the charges or deductions, if any, to be made; but such silver bullion shall not be counted as part of the silver bullion authorized or required to be purchased and coined under the provisions of existing law.

(c) The silver accepted and received under the provisions of this section shall be deposited in the Treasury of the United States, to be held, used, and disposed of as in this section provided.

(d) The Secretary of the Treasury shall cause silver certificates to be issued in such denominations as he deems advisable to the total number of dollars for which such silver was accepted in payment of debts. Such silver certificates shall be used by the Treasurer of the United States in payment of any obligations of the United States.

(e) The silver so accepted and received under this section shall be coined into standard silver dollars and subsidiary coins sufficient, in the opinion of the Secretary of the Treasury, to meet any demands for redemption of such silver certificates issued under the provisions of this section, and such coins shall be retained in the Treasury for the payment of such certificates on demand. The silver so accepted and received under this section, except so much thereof as is coined under the provisions of this section, shall be held in the Treasury for the sole purpose of aiding in maintaining the parity of such certificates as provided in existing law. Any such certificates or redeemed certificates, when presented at the Treasury, shall be redeemed in standard silver dollars, or in subsidiary silver coin, at the option of the holder of the certificates: *Provided*, That, in the redemption of such silver certificates issued under this section, not to exceed one third of the coin required for such redemption may in the judgment of the Secretary of the Treasury be made in subsidiary coins, the balance to be made in standard silver dollars.

Weight of gold dollar fixed by international agreement.

To be standard unit of value.

Parity maintenance.

Rules, etc., to be promulgated.

Acceptance of silver for ensuing six months, indebtedness of foreign governments.

Limitation.

Silver bullion to be subject to law requirements.

Deposit in Treasury for uses designated.

Silver certificates.

Coinage.

Purpose of aiding in maintaining parity of certificates.

Certificates redeemable in silver dollars, etc.

Proviso. Subsidiary coins.

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Silver certificates  
may reissue.

Cancellation, etc., of  
mutilated certificates.

Rules to be prescribed.

Federal Reserve Act,  
amendment.  
Vol. 38, p. 271.  
U.S.C., p. 257.

Emergency due to  
credit expansion.  
Federal Reserve  
Board may so declare,  
and modify reserve  
balances, etc.

(f) When any silver certificates issued under the provisions of this section are redeemed or received into the Treasury from any source whatsoever, and belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation; but nothing herein shall prevent the cancellation and destruction of mutilated certificates and the issue of other certificates of like denomination in their stead, as provided by law.

(g) The Secretary of the Treasury is authorized to make rules and regulations for carrying out the provisions of this section.

SEC. 46. Section 19 of the Federal Reserve Act, as amended, is amended by inserting immediately after paragraph (c) thereof the following new paragraph:

"Notwithstanding the foregoing provisions of this section, the Federal Reserve Board, upon the affirmative vote of not less than five of its members and with the approval of the President, may declare that an emergency exists by reason of credit expansion, and may by regulation during such emergency increase or decrease from time to time, in its discretion, the reserve balances required to be maintained against either demand or time deposits."

Approved, May 12, 1933.

#### [CHAPTER 26.]

#### AN ACT

May 12, 1933.  
[H.R. 48.]  
[Public, No. 11.]

To extend the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas.

Missouri River.  
Time extended for  
bridging, at Kansas  
City, Kans.  
Vol. 45, pp. 704, 1530;  
Vol. 46, p. 835, amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas, authorized to be built by the Interstate Bridge Company, its successors and assigns, by an Act of Congress approved May 22, 1928, heretofore extended by Acts of Congress approved March 2, 1929, and June 30, 1930, is hereby further extended two years from May 22, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

#### [CHAPTER 27.]

#### AN ACT

May 12, 1933.  
[H.R. 1596.]  
[Public, No. 12.]

To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina.

Pee Dee and Wacca-  
maw Rivers.  
Time extended for  
bridging, at Geor-  
getown, S.C.  
Vol. 46, p. 479,  
amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina, authorized to be built by the county of Georgetown, South Carolina, by an Act of Congress approved May 29, 1930, are hereby extended one and three years, respectively, from May 29, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

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CHAPTER 282.]

AN ACT

To amend the Act of May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes."

May 14, 1934.  
[S. 618.]  
[Public, No. 221.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second third provisos of section 3 of the Act of May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes" and the same are hereby, amended to read as follows: "And provided further, That the minimum area to be administered and protected by the National Park service shall be, for the said Mammoth Cave National Park, twenty thousand acres: *Provided further,* That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of fees for admission to such caves."

Mammoth Cave National Park, Ky.  
Vol. 44, p. 636,  
amended.  
U.S.C., Supp. VII,  
p. 305.

Minimum area.

Development contingent upon acceptance.

Schedule of admission fees.

SEC. 2. That in the establishment of the said Mammoth Cave National Park the Secretary of the Interior is hereby authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise.

Acquisition of lands.

Approved, May 14, 1934.

[CHAPTER 283.]

AN ACT

To amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to orders of State administrative boards.

May 14, 1934.  
[S. 752.]  
[Public, No. 222.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first paragraph of section 24 of the Judicial Code, as amended, is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, no district court shall have jurisdiction of any suit to enjoin, suspend, or restrain the enforcement, operation, or execution of any order of an administrative board or commission of a State, or any rate-making body of any political subdivision thereof, or to enjoin, suspend, or restrain any action in compliance with any such order, where jurisdiction is based solely on the ground of diversity of citizenship, or the repugnance of such order to the Constitution of the United States, where such order (1) affects rates chargeable by a public utility, (2) does not interfere with interstate commerce, and (3) has been made after reasonable notice and hearing, and where a plain, speedy, and efficient remedy may be had at law or in equity in the courts of such State."

Judicial Code,  
amendments.  
United States district  
courts.

Jurisdiction over  
suits relating to orders  
of State administrative  
boards.  
Vol. 36, p. 1091;  
U.S.C., p. 656.

Pending suits not affected.

SEC. 2. The provisions of this Act shall not affect suits commenced in the district courts, either originally or by removal, prior to its passage; and all such suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed.

Approved, May 14, 1934.

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CASES ADJUDGED  
IN THE  
SUPREME COURT OF THE UNITED STATES  
AT  
OCTOBER TERM, 1935.

UNITED STATES v. BUTLER ET AL., RECEIVERS  
OF HOOSAC MILLS CORP.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE  
FIRST CIRCUIT.

No. 401. Argued December 9, 10, 1935.—Decided January 6, 1936.

1. Processors of farm products have a standing to question the constitutionality of the "processing and floor-stock taxes" sought to be laid upon them by the Agricultural Adjustment Act of May 12, 1933, 48 Stat. 31. *Massachusetts v. Mellon*, 262 U. S. 447, distinguished. P. 57.
2. A tax, in the general understanding and in the strict constitutional sense, is an exaction for the support of Government; the term does not connote the expropriation of money from one group to be expended for another, as a necessary means in a plan of regulation, such as the plan for regulating agricultural production set up in the Agricultural Adjustment Act. P. 61.
3. In testing the validity of the "processing tax," it is impossible to wrest it from its setting and treat it apart as a mere excise for raising revenue. P. 53.
4. From the conclusion that the exaction is not a true tax it does not necessarily follow that the statute is void and the exaction uncollectible, if the regulation, of which the exaction is a part, is within any of the powers granted to Congress. P. 61.
5. The Constitution is the supreme law of the land, ordained and established by the people, and all legislation must conform to the principles it lays down. P. 62.
6. It is a misconception to say that, in declaring an Act of Congress unconstitutional, the Court assumes a power to overrule or control the action of the people's representatives. P. 62.



7. When an Act of Congress is appropriately challenged in a court, it is the duty of the court to compare it with the article of the Constitution which is invoked and decide whether it conforms to that article. (P. 62.)
8. All that the court does or can do in such cases is to announce its considered judgment upon the question; it can neither approve nor condemn any legislative policy; it can merely ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution. (P. 62.)
9. The question in such cases is not what powers the Federal Government ought to have, but what powers have in fact been given it by the people. (P. 63.)
10. Ours is a dual form of government; in every State there are two Governments—the State and the United States; each State has all governmental powers, save such as the people, by the Constitution, have conferred upon the United States, denied to the States, or reserved to themselves. (P. 63.)
11. The Government of the United States is a Government of delegated powers; it has only such powers as are expressly conferred upon it by the Constitution and such as are reasonably to be implied from those expressly granted. (P. 63.)
12. The Agricultural Adjustment Act does not purport to regulate transactions in interstate or foreign commerce; and the Government in this case does not attempt to sustain it under the commerce clause of the Constitution. (P. 63.)
13. In Article I, § 8, cl. 1 of the Constitution, which provides that Congress shall have power "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States," the phrase "to provide for the general welfare" is not an independent provision empowering Congress generally to provide for the general welfare, but is a qualification defining and limiting the power "to lay and collect taxes," etc. (P. 64.)
14. The power to appropriate money from the Treasury (Constitution, Art. I, § 9, cl. 7) is as broad as the power to tax; and the power to lay taxes to provide for the general welfare of the United States implies the power to appropriate public funds for that purpose. (P. 65.)
15. The power to tax and spend is a separate and distinct power; its exercise is not confined to the fields committed to Congress by the other enumerated grants of power; but it is limited by the requirement that it shall be exercised to provide for the general welfare of the United States. (P. 65.)

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UNITED STATES v. BUTLER.

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Syllabus.

16. The Court is not required in this case to ascertain the scope of the phrase "general welfare of the United States," or to determine whether an appropriation in aid of agriculture falls within it. P. 68.

17. The plan of the Agricultural Adjustment Act is to increase the prices of certain farm products for the farmer by decreasing the quantities produced; the decrease is to be attained by making payments of money to farmers who, under agreements with the Secretary of Agriculture, reduce their acreage and crops; and the money for this purpose is exacted, as a tax, from those who first process the commodities. *Held:*

(1) The Act invades the reserved powers of the States. P. 68.

(2) Regulation and control of agricultural production are beyond the powers delegated to the Federal Government. P. 68.

(3) The tax, the appropriation of the funds raised, and the direction for their disbursement, are but parts of the plan—the means to an unconstitutional end. P. 68.

(4) The power of taxation, which is expressly granted to Congress, may be adopted as a means to carry into operation another power also expressly granted; but not to effectuate an end which is not within the scope of the Constitution. P. 69.

(5) The regulation of the farmer's activities under the statute, though in form subject to his own will, is in fact coercion through economic pressure; his right of choice is illusory. P. 70.

(6) Even if the farmer's consent were purely voluntary, the Act would stand no better. At best it is a scheme for purchasing with federal funds submission to federal regulation of a subject reserved to the States. P. 72.

(7) The right to appropriate and spend money under contracts for proper governmental purposes cannot justify contracts that are not within federal power. P. 72.

(8) Congress cannot invade state jurisdiction by purchasing the action of individuals any more than by compelling it. P. 73.

(9) There is an obvious difference between a statute stating the conditions upon which moneys shall be expended and one effective only upon the assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced. P. 73.

(10) Owing to the supremacy of the United States, if the contracts with farmers contemplated by the Agricultural Adjustment Act were within the federal power to make, the States could not declare them void or prevent compliance with their terms. P. 74.

(11) Existence of a situation of national concern resulting from similar and widespread local conditions cannot enable Con-

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gress to ignore the constitutional limitations upon its own powers and usurp those reserved to the States. P. 74.

(12) If the novel view of the General Welfare Clause now advanced in support of the tax were accepted, that clause would not only enable Congress to supplant the States in the regulation of agriculture and of all other industries as well, but would furnish the means whereby all of the other provisions of the Constitution, sedulously framed to define and limit the powers of the United States and preserve the powers of the States, could be broken down, the independence of the individual States obliterated, and the United States converted into a central government exercising uncontrolled police power throughout the Union superseding all local control over local concerns. P. 75.

(13) Congress, being without power to impose the contested exaction, could not lawfully ratify the acts of an executive officer in assessing it. P. 78.

78 F. (2d) 1, affirmed.

CERTIORARI, 296 U. S. 561, to review a decree which reversed an order of the District Court (*Franklin Process Co. v. Hoosac Mills Corp.*, 8 F. Supp. 552), directing the receivers of Hoosac Mills, a cotton milling corporation, to pay claims of the United States for processing and floor taxes on cotton, levied under §§ 9 and 16 of the Agricultural Adjustment Act of May 12, 1933. The opinion of this Court begins on p. 53, *post*; the dissenting opinion on p. 78.

*Solicitor General Reed*, orally, after stating the case:

The conditions to which power is addressed are always to be considered when the exercise of power is challenged,—extraordinary conditions may call for extraordinary remedies; but, as the Court has said, "the argument necessarily stops short of an attempt to justify action which lies outside the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional power." *Home Building & Loan Assn. v. Blaisdell*, 290 U. S. 398; *Schechter Case*, 295 U. S. 495.

In the effort to meet the emergencies arising during this depression, we have proceeded under that view of the

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Having transmitted his first message to Congress the day before and received virtually instant action,<sup>21</sup> the President sent a second request to Capitol Hill asking for the authority to cut \$400 million from veterans payments and another \$100 million from the Federal civilian personnel payroll.<sup>22</sup> After a brief delay, during which opposition within the House Democratic caucus was beaten back,<sup>23</sup> the legislation was enacted.<sup>24</sup> In its final title, however, the President was required to submit all of his executive orders on the subject matter of the statute to Congress for review. In addition, the orders were not to become effective until 60 days after such transmission unless Congress provided an earlier effective date.<sup>25</sup>

Next, the President fulfilled an old plank in the Democratic Party platform and he asked Congress to modify the Volstead Act (41 Stat. 305).<sup>26</sup>

Roosevelt's message touched off a raucous, rollicking debate. The drys, who had succeeded in killing a beer bill only a few weeks before, rehearsed the arguments that had been so convincing for more than a decade, but to no avail. Representative Bob Boylan of New York protested that this was "the same old sob story you have been telling us for the last 12 years. Why, I almost know your words verbatim—the distressed mother, the wayward son, the unruly daughter, the roadhouse, and so forth, and so forth. . . ." Impatient congressmen chanted: "Vote—vote—we want beer;" within a week both houses had passed the beer bill, and added wine for good measure, although congressmen protested that 3.2 wine was not "interesting." On March 22, Roosevelt signed the bill.<sup>27</sup>

Giving the Nation beer was hardly an emergency action. However, feeding the citizenry was and, with his message of March 16, Roosevelt set the wheels in motion for the subsidizing of farm staples.<sup>28</sup> In a very brief message and a very controversial bill the President called for a "new means to rescue agriculture." The House passed the bill very quickly but a multitude of farm commodity processing lobbyists stalled the measure in the Senate. Due largely to incidents of violence in the Corn Belt and a threatened national farmer's strike by the Farmer's Holiday Association, the legislation was enacted on May 12.<sup>29</sup> Dubbed the *Agricultural Adjustment Act*, a portion of the statute contained a declaration of emergency:<sup>30</sup>

[Emphasis supplied.]

That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of

<sup>21</sup> *Ibid.*, pp. 45–46.

<sup>22</sup> *Ibid.*, pp. 49–51.

<sup>23</sup> See Leuchtenburg, *op. cit.*, p. 45.

<sup>24</sup> 48 Stat. 8.

<sup>25</sup> 48 Stat. 16.

<sup>26</sup> Roosevelt papers (Vol. II), pp. 66–67.

<sup>27</sup> Leuchtenburg, *op. cit.*, p. 46; 48 Stat. 10.

<sup>28</sup> Roosevelt Papers (Vol. II), pp. 74–79.

<sup>29</sup> 48 Stat. 31.

farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that those conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of title I of this Act.

Arthur Schlesinger, Jr., interprets this farm move:

The broad design was clear: to help correct the imbalance between industry and agriculture by raising farm prices; and to raise farm prices through the curtailment of production, the regulation of marketing, and a variety of other devices. And there was general agreement on the mechanism: the establishment of a new agency within the Department of Agriculture, to be called the Agricultural Adjustment Administration. But the immense discretion conferred on the Executive under the AAA law left many crucial decisions for the future. Much would therefore depend on the men summoned to conduct what Mordecai Ezekiel pronounced "the greatest single experiment in economic planning under capitalist conditions ever attempted by a democracy in times of peace."<sup>31</sup>

The interesting aspect of the legislation lies in the fact that it created a permanent agency designed to eradicate an emergency condition in the sphere of agriculture. The reasoning, apparently, was that the permanent governmental unit would not only eliminate the emergency situation but, in the aftermath, would control those conditions promoting the crisis and forestall any such exigency from occurring again. The legislation also empowered the President, for purposes of meeting the financing provisions of the statute, to engage in broad monetary expansion and, by proclamation, to fix the weights of gold and silver dollars.<sup>32</sup> The United States had abandoned the gold standard on April 19.<sup>33</sup>

[Emphasis supplied.]

On March 21 the President called upon Congress to establish programs for unemployment relief.<sup>34</sup> "The first is the enrollment of workers now by the Federal Government for such public employment as can be quickly started and will not interfere with the demand for or the proper standards of normal employment." This was realized in the passage of an act of March 31.<sup>35</sup> Acting upon this statutory authority, the President issued E.O. 6101 on April 5, establishing the Civilian Conservation Corps.<sup>36</sup>

A second element in the President's unemployment relief message was "grants to States for relief work." This was realized in legislation

<sup>31</sup> Schlesinger, *op. cit.*, pp. 45–46.

<sup>32</sup> 48 Stat. 52–54.

<sup>33</sup> This was casually announced at a presidential press conference; see Roosevelt papers (Vol. II), pp. 137–141.

<sup>34</sup> *Ibid.*, pp. 80–81.

<sup>35</sup> 48 Stat. 22–23.

<sup>36</sup> Roosevelt papers (Vol. II), pp. 107–108.

work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors."

Approved, June 2, 1937.

## [CHAPTER 295]

## AN ACT

June 3, 1937  
[H. R. 5473]  
[Public, No. 136]

To authorize the Secretary of State to sell, for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China.

Amoy, China.  
Sale, etc., of lot  
authorized.

Proviso.  
Use of receipts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State is hereby authorized to sell, transfer, and convey all the title, rights, and interest of this Government in a foreshore lot, approximately one hundred feet long by one hundred feet wide, situated at Sin Lu T'ou Jetty, sometimes called "Lu Erh Chiao", Kulangsu, Amoy, China, for a price of not less than 1,000 yuan (Chinese dollars): *Provided*, That the net amount received from such sale remaining after the deduction of all necessary fees and expenses shall be covered into the Treasury of the United States as miscellaneous receipts.

Approved, June 3, 1937.

## [CHAPTER 296]

## AN ACT

June 3, 1937  
[H. R. 5722]  
[Public, No. 137]

To reenact and amend provisions of the Agricultural Adjustment Act, as amended, relating to marketing agreements and orders.

Agricultural Mar-  
keting Agreement  
Act of 1937.  
Designated provi-  
sions of Agricultural  
Adjustment Act re-  
enacted, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following provisions of the Agricultural Adjustment Act, as amended, not having been intended for the control of the production of agricultural commodities, and having been intended to be effective irrespective of the validity of any other provision of that Act are expressly affirmed and validated, and are reenacted without change except as provided in section 2:

- (a) Section 1 (relating to the declaration of emergency);
- (b) Section 2 (relating to declaration of policy);
- (c) Section 8a (5), (6), (7), (8), and (9) (relating to violations and enforcement);
- (d) Section 8b (relating to marketing agreements);
- (e) Section 8c (relating to orders);
- (f) Section 8d (relating to books and records);
- (g) Section 8e (relating to determination of base period);
- (h) Section 10 (a), (b) (2), (c), (f), (g), (h), and (i) (miscellaneous provisions);
- (i) Section 12 (a) and (c) (relating to appropriation and expenses);
- (j) Section 14 (relating to separability);
- (k) Section 22 (relating to imports).

Sec. 2. The following provisions, reenacted in section 1 of this Act, are amended as follows:

(a) Section 1 is amended to read as follows:

## "DECLARATION

"It is hereby declared that the disruption of the orderly exchange of commodities in interstate commerce impairs the purchasing power of farmers and destroys the value of agricultural assets which

support the transactions interest, and commerce."

(b) Section the product such market in lieu thereof agricultural

(c) Section of this section

(d) Section "production"

(e) Section or"; and by lieu thereof

(f) Section following:

"(18) The in any market to milk or it paid to produce the price fixed section 2 and a purchasing base period. of Congress purposes of will reflect other economic for milk or contemplated. Whenever the at the hearing that the price equivalent to determined in view of other economic for milk and contemplated agricultural prices as he quantity of pure. Thereafter, a circumstances make adjustment

"(19) For order is applicable procedure among under any such total number case may be ing or favor

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11. Promote the U.N. as the only hope for mankind. If its charter is rewritten, demand that it be set up as a one-world government with its own independent armed forces. (Some Communist leaders believe the world can be taken over as easily by the U.N. as by Moscow. Sometimes these two centers compete with each other as they are now doing in the Congo.)
12. Resist any attempt to outlaw the Communist Party.
13. Do away with all loyalty oaths.
14. Continue giving Russia access to the U.S. Patent Office.
15. Capture one or both of the political parties in the United States.
16. Use technical decisions of the courts to weaken basic American institutions by claiming their activities violate civil rights.
17. Get control of the schools. Use them as transmission belts for socialism and current Communist propaganda. Soften the curriculum. Get control of teachers' associations. Put the party line in textbooks.
18. Gain control of all student newspapers.
19. Use student riots to foment public protests against programs or organizations which are under Communist attack.
20. Infiltrate the press. Get control of book-review assignments, editorial writing, policymaking positions.
21. Gain control of key positions in radio, TV, and motion pictures.
22. Continue discrediting American culture by degrading all forms of artistic expression. An American Communist cell was told to "eliminate all good sculpture from parks and buildings, substitute shapeless, awkward and meaningless forms."
23. Control art critics and directors of art museums. "Our plan is to promote ugliness, repulsive, meaningless art."
24. Eliminate all laws governing obscenity by calling them "censorship" and a violation of free speech and free press.
25. Break down cultural standards of morality by promoting pornography and obscenity in books, magazines, motion pictures, radio, and TV.
26. Present homosexuality, degeneracy and promiscuity as "normal, natural, healthy."
27. Infiltrate the churches and replace revealed religion with "social" religion. Discredit the Bible and emphasize the need for intellectual maturity which does not need a "religious crutch."
28. Eliminate prayer or any phase of religious expression in the schools on the ground that it violates the principle of "separation of church and state."
29. Discredit the American Constitution by calling it inadequate, old-fashioned, out-of-step with modern needs, a hindrance to co-operation between nations on a worldwide basis.
30. Discredit the American Founding Fathers. Present them as selfish aristocrats who had no concern for the "common man."
31. Belittle all forms of American culture and discourage the teaching of American history on the ground that it was only a minor part of the "big picture." Give more emphasis to Russian history since the Communists took over.
32. Support any socialist movement to give centralized control over any part of the culture—education, social agencies, welfare programs, mental health clinics, etc.
33. Eliminate all laws or procedures which interfere with the operation of the Communist apparatus.
34. Eliminate the House Committee on Un-American Activities.
35. Discredit and eventually dismantle the FBI.
36. Infiltrate and gain control of more unions.
37. Infiltrate and gain control of big businesses.
38. Transfer some of the powers of arrest from the police to social agencies. Treat all

behavioral problems as psychiatric disorders which ~~no one but psychiatrists can understand or treat.~~

39. Dominate the psychiatry profession and use mental health laws as a means of gaining coercive control over those who oppose Communist goals.

40. Discredit the family as an institution. Encourage promiscuity and easy divorce.

41. Emphasize the need to raise children away from the negative influence of parents. Attribute prejudices, mental blocks and retarding of children to suppressive influence of parents.

42. Create the impression that violence and insurrection are legitimate aspects of the American tradition; that students and special-interest groups should rise up and use united force to solve economic, political or social problems.

43. Overthrow all colonial governments before native populations are ready for self-government.

44. Internationalize the Panama Canal.

45. Repeal the Connally reservation so the United States cannot prevent the World Court from seizing jurisdiction over nations and individuals alike.

## American Jewry Meets the Challenge

### EXTENSION OF REMARKS

OF

HON. EUGENE J. KEOGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1963

Mr. KEOGH. Mr. Speaker, under leave to extend my remarks in the Record, I include the following address by Mr. Louis H. Solomon on September 28, 1961, at a dinner meeting of the New York University Jewish Culture Foundation, marking the beginning of the campaign to erect a Center for Jewish Culture at New York University.

Mr. Solomon, a trustee of the New York University Jewish Culture Foundation, is a distinguished attorney. He is a graduate of New York University and a noted leader in many civic activities. He is well known among business and community leaders as the head of the Greenwich Village Chamber of Commerce.

His tribute to American Jewish leadership follows:

AMERICAN JEWRY MEETS THE CHALLENGE  
(Address presented by Louis H. Solomon on September 28, 1961)

There has been a great deal of provocative discussion of late on the subject of the role of Judaism and the Jew in Judeo-Christian world society. Too much of the discussion is a veiled attack upon the devotion of the Jew to the heritage and traditions that define his status as an identifiable, ethnic personality in a Christian-dominated world and his resistance to pressure for assimilation.

The discussions acknowledge, sometimes with evident reluctance, frequently with extravagant generosity, the importance of Judaism in world culture, as the source of the Judeo-Christian religions, and the essence of Judeo-Christian ethical philosophy. Yes, they say, the Jew has given to mankind the Judeo-Christian religions. He has given Jesus to Christianity. He has provided the concept of justice and the sense of social responsibility which make up the meaning of Judeo-Christian ethical philosophy. But the whole mood of the discus-

sion radiates the sentimental regret that the Jew remains unchanged in his determined status as a Jew, as a separate, identifiable creature, loyal to Judaism in defiance of centuries of pressure for assimilation.

Toynbee, the English historian, reflects the pronounced assimilationist viewpoint. He projects the argument that the resistance of the Jew to assimilation is responsible in a large measure for the anti-Semitic posture of the world.

In a recent discourse by Toynbee, he acknowledges generous recognition of the Jew for fundamental contributions to world society. He even ventures the regret that the strong traits of the Jew, the character responsible for the miracle of survival and so much of the world culture, that this strain is not available to enrich the other segments of human society. The underlying tone of the Toynbee creed is the covert annoyance of the historian, that in spite of centuries of history, in defiance of the sword and the pen, this remains the heritage of the Jew, a relatively small identifiable group, immune to absorption. On the other hand, is the frustrating regret of the historian, that society as a whole is denied the special strain of character values that persist in the Jew and would be made available to the rest of society by intermarriage and full assimilation.

Sometimes one wonders what prompts the persistence of the Toynbee followers to argue for the assimilation of the Jew. What is it that pushes the endeavors of this historian and his disciples so vigorously to pury centuries of sacred traditions, to subvert loyalties to faith, to destroy the spiritual potential that has given so much to so many? There is persuasive authority for the premise that all anti-Semitism is a psychoneurosis. To the psychologist, "anti-Semitism," so-called, to conceal specific Jew hatred (Judenhass), is not explainable as a rational drive. One is tempted to ask—is the pressure for the assimilation of the Jew but an unrestrained sprout from the same sprig? Is it a symptom of the same complex?

### THE "INTELLECTUALS"

Contemporaneously with the Toynbee discourse, an article appeared in a recent issue of the magazine *Commentary*, under the title "Intellectuals" which poses the problem, but with a wide difference in motivation. This article purports to review the attitude on assimilation of the Jew on the college campus. It emphasizes a seeming indifference to heritage and tradition among budding intellectuals.

The intellectuals, so called, are not by any means the sages of our day. Nor do they reflect the mature community judgment. These are students, budding scholars perhaps, living in an environment of challenge, of abstraction and speculation. This is not the climate conducive to respect for tradition or heritage. To them heritage and tradition are related to the dead past. History is important more for its dates than for its monuments. They present a pose of pride in sophistication, a "sense of revolt" against the authority of yesterday. This is a passing phase in the pursuit of wisdom. Sober assessment of spiritual values will come with maturity. They will learn that man does not live by bread alone. Then shall they claim their kinship to the people of the Bible and the treasured heritage of the Torah.

The infamous Nauman group of pre-Hitler Germany is the prototype for a small segment of American Jewish life emphasizing a pose of sophistication, ready to trade heritage and tradition. They do not want to be counted out of the fold, yet they cannot endure minority status, and they spurn affiliation with the "common herd." Devoid of intellectual insight, of moral vigor, of loyalty to tradition, and the capacity to



## Nation/world

# 'Abortion pill' to be tested on U.S. women

WASHINGTON (AP)—In a breakthrough for advocates of legalizing the "abortion pill" RU-486, the French manufacturer agreed Tuesday to license the drug to a population-control group for eventual U.S. distribution.

But it will be at least "a couple of years" before the abortion pill can be licensed for full commercial use in the U.S., said the head of the Food and Drug Administration.

The agreement was announced by FDA Commissioner David Kessler and Margaret Catley-Carlson, president of the non-profit Population Council, after they met with Edouard Sakiz, president of Roussel-Uclaf, the French firm that makes RU-486.

The accord allows the Population Council to contract with a U.S. drug manufacturer—still unknown—to produce and distribute the pill in this country.

Catley-Carlson also said it would be "probably years" before RU-486 could win full FDA approval.



Kessler

trial to test the drug in the U.S., and she said the trial would include at least 2,000 American women.

The Population Council hopes to raise \$1 million to \$4 million from private foundations to support the research. The New York-based group normally works with developing countries on population and reproductive health questions.

Kessler said the French company had agreed to submit European data

Kessler, who last Thursday criticized Roussel-Uclaf's German parent, Hoechst AG, for refusing to seek a U.S. license, said, "Substantial progress has been made in removing the roadblocks."

Catley-Carlson said her group will sponsor a clinical

to the FDA on RU-486's toxicology and chemistry, and the regulatory agency would move swiftly to review that information.

About 120,000 women have used the pill as an alternative to surgical abortion in France, Britain and Sweden. It causes the uterus to shed its lining, preventing implantation of the fertilized egg.

It is considered 96 percent effective in blocking a pregnancy.

It is used in conjunction with another hormone, prostaglandin, which causes contractions and is normally given under tight medical supervision at clinics in Europe.

Roussel previously had indicated it did not want to market the pill in the U.S. because of the political controversy over the right to choose abortions.

The Bush administration banned imports of the drug even for research purposes, but the Clinton administration has supported demands by

women's groups that RU-486 be legalized.

Rep. Ron Wyden (D-Or.), who has been pushing for legalization of RU-486, said, "Clearly, it is welcome news for American women that Hoechst has crossed the threshold and is allowing this drug to be licensed to the Population Council. It is still going to take longer than it should for this drug to be commercially available to U.S. women."

Kessler told reporters last Thursday, "Abortion is legal in this country, and if there is a safe medical alternative to a surgical procedure, then it should be available to the American public."

One woman in 50 needs a surgical procedure to abort a pregnancy, and one in 1,000 requires blood transfusions, he said.

"Physicians in this country would need to be trained in how to use" RU-486, Kessler added. It is not a drug you "just go pick up at your local drug store."



Sergei and Valentina Khrushchev, son and daughter-in-law of the late Soviet dictator, pose in their Cranston, R.I., home before they received permanent-resident status.

## Khrushchev's son gets OK to settle in U.S.

PROVIDENCE, R.I. (AP)—Sergei Khrushchev, whose father once boasted that communism would bury the West, didn't sound much like a chip off the old block as he prepared to settle permanently in the U.S.

"I want to get involved with some business," Khrushchev said Monday. He and his wife, Valentina, were granted permanent-resident status after a routine 15-minute interview with immigration officials.

The Khrushchevs completed the final step in their yearlong quest to get what are commonly called green cards and remain in the U.S. on what would have been Nikita Khrushchev's 99th birthday. He died in 1971.

Nikita Khrushchev, who became Soviet premier in 1957 and was ousted in 1964, warned the "capitalist stage" in 1956: "History is on our side. We will bury you."

His son, 57, a former Soviet missile scientist, insisted that his father's famous remark wasn't a military threat.

"He never told you he will bury you or anybody in the American state," Khrushchev said. "He said he would bury capitalism. That is a very different thing. Very different."

The younger Khrushchev led

Former Soviet missile scientist wants to 'get involved with some business'

the Soviet Missile Design Bureau for a decade and supervised about 5,000 scientists who designed missiles aimed at U.S. targets. Later, as first deputy director at the Control Computer Institute in Moscow, he designed guidance-control systems for strategic weapons.

In the fall of 1991, he began a two-year exchange program as a senior research fellow at Brown University's Center for Foreign Policy Development.

Sergei Khrushchev's celebrated career as a missile engineer and computer scientist helped his residency request with the Immigration and Naturalization Service, said Dan Danilov, a Seattle lawyer representing the Khrushchevs.

"He's not coming here as a refugee," Danilov said. "He is a person of permanent distinguished merit and ability—a one of a kind in the whole world."

Danilov said the couple also had letters of support from former President Richard Nixon and George Bush and former Defense Secretary Robert McNamara.

Khrushchev said he plans to remain in Rhode Island.

"I had experience in the rocket guidance industry for 30 years, know everyone in Russian business, so maybe I'll be a trading partner," he said.

## In Clinton school plan, Washington sets the guidelines



WASHINGTON—The Clinton administration

have dealt with the ideas of "eternal" human values. True, this is so, but then these were "scholastic speculations" doomed to be a utopian dream. In the 1980s, as we approach the end of this dramatic century, mankind should acknowledge the vital necessity of human values, and their priority.

Since time immemorial, class interests were the cornerstone of both foreign and domestic policies. It goes without saying that officially they were, as a rule, presented as the interests of a nation, state or alliance, and were covered up with references to the "universal wellbeing," or religious motives. However, Marxists and a good many other sober-minded people are convinced that in the final analysis the policy of any state or alliance of states is determined by the interests of prevailing socio-political forces. Acute clashes of these interests in the international arena have led to armed conflicts and wars throughout history. This is why the political record of mankind is largely a record of wars. Today, this tradition is leading directly into the nuclear abyss. We—all mankind—are in the same boat, and we can sink or swim only together. This is why disarmament talks are not a game which can be won by one side. All should win, or else all stand to lose.

The backbone of the new way of thinking is the recognition of the priority of human values, or, to be more precise, of humankind's survival.

It may seem strange to some people that the communists should place such a strong emphasis on human interests and values. Indeed, a class-motivated approach to all phenomena of social life is the ABC of Marxism. Today, too, such an approach fully meets the realities of a class-based society, a society with opposing class interests, as well as the realities of international life which are also permeated by the opposition. And up to the most recent time class struggle remained the pivot of social development, and still remains as such in class-divided countries. Correspondingly, Marxist philosophy was dominated—as regards the main questions of social life—by a class-motivated approach. Humanitarian notions were viewed as a function and the end result of the struggle of the working class—the last class which, ridding itself, rids the entire society of class antagonisms.

But now, with the emergence of weapons of mass, that is, universal destruction, there appeared an objective limit for class confrontation in the international arena: the threat of universal destruction. For the

first time ever there emerged a real, not speculative and remote, common human interest—to save humanity from disaster.

Changes were introduced in the spirit of the new outlook into the new edition of the CPSU Program adopted by the 27th Party Congress. Specifically, we deemed it no longer possible to retain in it the definition of peaceful coexistence of states with different social systems as a "specific form of class struggle."

It was an accepted belief that the source of world wars lay in contradictions between the two social systems. Before 1917, there was only one system in the world—capitalism—but it did not prevent world war between states belonging to that same system. There were other wars, too. And vice versa; during the Second World War, countries representing different systems fought in one coalition against fascism and eventually crushed it. The common interest of all peoples and states before the fascist menace outweighed the socio-political differences among them and provided a foundation for an anti-fascist, "supra-system" coalition. This means that today, too, in the face of a still worse danger, states belonging to different social systems can and must cooperate with one another in the name of peace.

In developing our philosophy of peace, we have taken a new look at the interdependence of war and revolution. In the past, war often served to detonate revolution. One may recall the Paris Commune which came as an echo of the Franco-Prussian war, or the 1905 Russian Revolution triggered by the Russo-Japanese war. The First World War provoked a real revolutionary storm which culminated in the October Revolution in our country. The Second World War evoked a fresh wave of revolutions in Eastern Europe and Asia, as well as a powerful anti-colonial revolution.

All this served to reinforce the Marxist-Leninist logic that imperialism inevitably generates major armed confrontations, while the latter naturally creates a "critical mass" of social discontent and a revolutionary situation in a number of countries. Hence a forecast which was long adhered to in our country: a third world war, if unleashed by imperialism, would lead to new social upheavals which would finish off the capitalist system for good, and this would spell global peace.

But when the conditions radically changed so that the only result of nuclear war could be universal destruction, we drew a conclusion about the disappearance of the cause-and-effect relationship between

A deep impression concerning the new outlook was made by the Issyk-Kul forum, which was attended by world-renowned cultural personalities invited there by Soviet writer Chinghiz Aitmatov. I met with them. ~~The main theme of our discussion was humanism and politics;~~ and the moral and intellectual aspect of political activities in the nuclear age. I said at the meeting that nations had learned from their past tragedies, had summoned their strength and collected their thoughts, and, overcoming hardships, difficulties and losses, rose again and moved ahead, each choosing its own way. What will happen if we fail to ward off the nuclear threat looming over our common home? I am afraid we won't be able to correct such a mistake. This is our most important task. That is why the intellectual and moral potential of the world's culture must be put at the service of politics.

The International Physicians for the Prevention of Nuclear War has come to exercise a tremendous influence on world public opinion within quite a short period of time. It was launched by American Professor Bernard Lown and our Soviet Academician Yevgeny Chazov. Tens of thousands of physicians from the Americas, Europe, Asia, Africa and Australia have joined it. I had met Professor Lown before, but this time, after their congress in Moscow, I met all the leaders of the movement. It is impossible to ignore what these people are saying. What they are doing commands great respect. For what they say and what they do is prompted by accurate knowledge and a passionate desire to warn humanity about the danger looming over it.

In the light of their arguments and the strictly scientific data which they possess, there seems to be no room left for politicking. And no serious politician has the right to disregard their conclusions or neglect the ideas by which they take world public opinion a stage ahead.

As far as the Soviet leadership is concerned, I must say we are eager to know the opinion (and even criticism) of all the different types of people in our world today. In our contact with them, we check out the potential of the new way of thinking and the realism of our policy. Now, whatever similarity and sometimes identity of views we discover through this contact provide evidence for us to see that our new modes of approach follow the same course as does the quest of the honest-thinking part of humanity.

It is natural for me as a communist to stay constantly in touch with the representatives of the communist movement in foreign countries.

Much has changed in these contacts in the past years. We are moving away from inter-party diplomacy which sometimes sugar-coated the truth or, worse still, dealt in Aesopian fables.

No matter what the opponents of communism think, **communism** originated and exists in the interests of man and his freedom, in order ~~to defend his genuine rights, and justice on earth.~~ Communism has a tremendous potential for humanitarianism. That is why our shared world outlook, and the ideas, assessments, considerations and mutual benevolent criticism, which we exchange with our friends in spirit, are indispensable. They help to develop a new way of thinking and to apply politically the rich accumulation of international experience which reflects the interests and sentiments of the working people.

We see the intensified international contacts between scientists, cultural personalities and intellectuals in general, and their professional movements, as an attempt to bring the best forces of their nations and peoples into their ranks, help them understand the contemporary world and express their opinion about its future so as to prevent the ultimate disaster.

This applies not only to ~~disarmament;~~ the militarization of individual attitudes and of society itself, but also to such problems of common concern to humanity as the ecological danger, the energy and resource prospects, **health care**, education, foodstuffs, **population growth**, information aggression, etc. We find very many points of contact and very many useful things through exchanges with men of science and culture and authoritative members of the public on all of these matters.

I would say it has become imperative for politicians and representatives of science and culture to meet and keep up an exchange of views—it would seem this must become a natural thing for them to want in the present conditions.

I recently talked with an outstanding Latin-American writer, Gabriel Garcia Marquez. A great mind indeed. His range of thinking is global: reading just one of his books shows this. So it has turned out that, while talking about the restructuring under way in the Soviet Union, one can delve into any international and social problem of our times. ~~For the whole world needs restructuring; i.e. qualitative change and progressive development.~~ The opinion of such a man matters a lot. And it is precisely because it reflects the thoughts, cares and sentiments of millions—white, black, yellow, all people of the



eyes of the world public opinion bother you? We sympathize with the liberation movements of peoples fighting for social justice, while you, as I see it, do not. Here our approaches differ."

Really, if the United States left Nicaragua in peace this would be better for the US itself, for the Latin Americans, and for the rest of the world.

Explosive problems cannot be shelved; they will not go away by themselves. The situation in Southern Africa has long been tempestuous. The South African population opposes both apartheid and the immoral oppressive regime whose international isolation is growing. But many in the West see a communist plot and Moscow influence behind that conflict situation, too, though there isn't a trace of a Soviet presence in South Africa, which can't be said of the US and its allies.

The same holds true of the situation in the Gulf region. The Soviet Union's evaluation of the situation and of the reasons for its exacerbation is known, it was expressed in official statements. The UN Security Council adopted a resolution demanding a ceasefire and a halt to all military activities as well as the withdrawal by Iran and Iraq of their troops to internationally recognized frontiers. The Soviet Union voted for the resolution. But the United States, acting contrary to the spirit of the Security Council resolution, is seeking a pretext to interfere in the Iran-Iraq conflict and is building up its presence in the Gulf region. It alleges that the Soviet Union threatens Western interests, which must be protected, and it furthermore promises to stay in the Gulf even after the conflict is over.

Such is the assessment of all regional conflicts as seen through the prism of Soviet-American confrontation. We have the impression that the United States needs regional conflicts so as to always have room to manoeuvre by manipulating the level of confrontation and by using a policy of force and anti-Soviet propaganda. The Soviet Union, on the other hand, holds that these conflicts should not be used to engender confrontation between the two systems, especially when they involve the USSR and the USA.

As we took up the question of regional conflicts, the reader may wonder what I think of the **Afghan issue**. Probably, it is not universally known that Afghanistan was the first country with which the Soviet Union established **diplomatic relations**. We were always on friendly terms with **that country**, with its kings and tribal chiefs. Certainly,

Afghanistan has many problems owing to its extreme backwardness, which largely stemmed from the British rule. Therefore, it was quite natural that many Afghans wanted to help their people overcome medieval patterns, update state and public institutions, and speed up progress. But as soon as progressive changes were charted, imperialist quarters began to pressure Afghanistan from without. So, in keeping with the Soviet-Afghan treaty, its leaders asked the Soviet Union for help. They addressed us eleven times before we assented to introduce a limited military contingent into that country.

We want our soldiers home as soon as possible. The issue has been settled in the main. But it is connected with the need to settle the situation around Afghanistan politically. We support the present Afghan leadership's course of national reconciliation. The Soviet Union wants Afghanistan to be independent, sovereign and non-aligned as before. It is the sovereign right of the Afghan nation to decide which road to take, what government to have, and what development programs to implement. And the American interference delays the withdrawal of our troops and hampers the enactment of the policy of national reconciliation and, hence, the settlement of the whole Afghanistan issue. And the transfer of the Stingers to the counter-revolutionary bands, which use these missiles to down civilian aircraft, is simply immoral and totally unjustifiable.

### *Nations Have the Right to Choose their Own Way of Development*

Every nation is entitled to choose its own way of development, to dispose of its fate, its territory, and its human and natural resources. International relations cannot be normalized if this is not understood in all countries. For ideological and social differences, and differences in political systems are the result of the choice made by the people. A national choice should not be used in international relations in such a way as to cause trends and events that can trigger conflicts and military confrontation.

It is high time Western leaders set aside the psychology and notions of colonial times. They will have to do this sooner or later. As long

systems, have managed to develop relations of such a high quality? Because both of them base their policies—not in word but in deed—on the principles of sovereignty, equality, non-interference in others' internal affairs, and cooperation. Both recognize every nation's right to choose its own political system and pattern of social development.

So we have every reason to say with rightful pride that the **Soviet Union and India** represent an example of good interstate relations, an example for others to emulate. In our relations, **we see a budding world order** in which peaceful coexistence and mutually beneficial cooperation based on goodwill will be universal norms.

### *At A Difficult Watershed*

I have met many African political leaders in the last year and a half or so (some of them more than once), and have had thorough discussions with them. These were Robert Gabriel Mugabe, Mengistu Haile-Mariam, Marcelino dos Santos, Oliver Tambo, Moussa Traoré, Mathieu Kérékou and Chadli Bendjedid, to name but a few. All of them are influential, widely recognized national leaders. I got the impression from our talks that Africa is going through an active period in its development which requires responsibility. Africa is in ferment. Vital changes are under way there, and many acute problems face that part of the world.

We don't see Africa as a homogeneous continent where all processes evolve to one and the same pattern. Like any other country in the world, every African country possesses its own inimitable features and conducts policies all its own. African leaders also are different. Some have been at the helm for relatively long periods of time, so that the world knows them. Others have only lately appeared on the African and world scenes, and are gaining practical experience.

We fully appreciate the formidable tasks facing progressive regimes in Africa. The fact is that their countries have historically been linked with their former colonial mother countries, and some of them even continue to be dependent on them economically. And although imperialism is out to retain its positions by economic and financial means,

even by resorting to arms, they are determined to pursue a course toward consolidating gains.

The Soviet Union supports these efforts and these policies, for only inviolable political sovereignty and economic independence can provide a sound basis for international relations in today's world. Every African nation is lawfully entitled to a free choice of a way of development, and we resolutely condemn all attempts to interfere in their domestic affairs. Our country has always acted, and will continue to act, in support of the national liberation struggle of African nations, including those in southern Africa, where one of the last bastions of racism is situated.

When I met Oliver Tambo, President of the African National Congress, I said to him: "We side with you in your struggle against the apartheid regime and its henchmen, for a democratic state and independent development, for equality of all races and ethnic groups. Significantly, more and more white South Africans are condemning apartheid, voicing support for the ANC's goals, and seeking contacts with it. That proves once again that there is no future in apartheid."

We have bonds of friendship with the frontline states in southern Africa. We support their just stances and strongly condemn South Africa's hostile actions against them.

The Soviet Union has no special interests in southern Africa. We want only one thing: nations and countries in the region must at last have the chance to settle their development issues, their home and foreign affairs independently, in peace and stability.

### *Latin America: A Time of Major Change*

We also proceed from the same general principles in our relations with Latin American countries. That part of the world has unique traditions and vast potential. Its nations show a great striving for a better future. They want to make their hopes come true despite all the obstacles. The way to freedom is always a difficult one, but we are sure that the Latin American drive for progress will gain momentum.

US right-wing forces and propaganda portray our interest in Latin America as an intention to engineer a series of socialist revolutions there. Nonsense! ~~The way we have behaved for decades proves that~~

**we don't plan anything of the kind.** Such schemes run counter to our theory, our principles, and our entire concept of foreign policy.

I said to President Reagan: "For decades you have looked upon Latin America as your doorstep, and behaved there accordingly. Nations have had enough of this. Whether they realize their aspirations by peaceful or military means is their own affair. It was you who planted a bomb in Latin America in the form of its mammoth foreign debt. You should really think about this."

Perhaps the US ruling circles do understand this but will not admit it, for they would then have to change their policy, and everybody would see that the "hand of Moscow" is a big lie.

We do sympathize with the Latin American countries in their efforts to consolidate their independence in every sphere and cast off all neo-colonialist fetters, and we have never made any secret of this. We much appreciate the energetic foreign policies of Mexico and Argentina, their responsible stances on disarmament and international security, and their contribution to the initiatives **of the Six**. We support the peace-making efforts of the Contadora Group, initiatives by Central American heads of state, and the Guatemala City accord. We welcome the democratic changes in many Latin American countries, and appreciate the growing consolidation of the countries of the continent which will help preserve and strengthen their national sovereignty.

At the same time, I'd like to emphasize once again that we do not seek any advantages in Latin America. We don't want either its raw materials, or its cheap labor. We are not going to exploit anti-US attitudes, let alone fuel them, nor do we intend to erode the traditional links between Latin America and the United States. That would be adventurism, not sound politics, and we are realists, not reckless adventurers.

But our sympathies always lie with nations fighting for freedom and independence. Let there be no misunderstanding on that score.

### *Cooperation, not Confrontation*

It's my conviction that the human race has entered a stage where we **are all dependent on each other.** No country or nation should be

regarded in total separation from another, let alone pitted against another. **That's what our communist vocabulary calls internationalism and it means promoting universal human values.**

The ruling circles of the West will eventually have to reckon with the interests of Third World nations. Once I asked Gary Hart: "Can't America offer a different policy to developing countries than the one it pursues today? The US can do much to build new interstate relations, and lose nothing economically in the process. On the contrary, America stands to gain from that. Why should the United States reject the opportunity as if it doesn't see on which side its bread is buttered?"

A great deal depends on the position of the United States and the West as a whole. Above all, it depends on them whether we shall be able to untie the knot of the modern world's problems and break the deadlock over the existing development opportunities. If we succeed in building new relations based on equality and due regard for everyone's interests, why should we need the existing military machine that was designed as an instrument of an expansionist foreign policy?

Understandably, that machine has been built up over the centuries, and it's not so easy to destroy it overnight. But we have approached the point where destroy it we must, since millions of Asians, Africans and Latin Americans want to live like human beings. I am convinced that the United States and the Soviet Union can contribute a lot to the search for ways to establish new global relations.

We call on the US Administration to join hands with us in searching for solutions to the Third World's problems. There are other ways besides compulsion to do it. What we propose is quite realistic. **The United States should find a way to divert its might, its capital—everything that is now being squandered for military purposes—to meeting different needs, to solving the modern world's economic and social problems.** I'm positive that this is quite possible. More than that, the United States could enlist the assistance of other Western countries. And may I repeat that all the while it would stand only to gain.



opponents), it could have been avoided, as could many other things, if the ruling circles of Britain and France had agreed to cooperate with the Soviet Union against the aggressor at that time.

And who handed over Czechoslovakia to the Nazis? On his return from Munich, Chamberlain said that he had brought peace to the British people, but in effect everything turned out otherwise: he had brought them war. That was mainly because the British rulers had only one thought on their minds: how to turn Hitler against ~~the East~~, against the Soviet Union, and how to crush communism.

I don't want to simplify matters, for the East European nations also received a difficult legacy. Take, for example, relations between Russia and Poland. For centuries they were complicated by a struggle between the ruling circles of the two countries. Kings and tsars had set Poles to fight Russians and Russians to fight Poles. All those wars, violence and invasions poisoned the two peoples' souls and evoked mutual animosity.

Socialism marked a drastic turn in the centuries-old history of this part of the world. The defeat of fascism and the victory of socialist revolutions in the East European countries created a new situation on the continent. A powerful force emerged which set out to break the endless chain of armed conflicts. And now the people of Europe have entered a fifth decade without war.

At the same time, Europe remains an arena of sharp ideological, political and military confrontation. Some would trace the division of Europe to Yalta and Potsdam and question the historic agreements signed there. But that is to turn the facts upside down. Yalta and Potsdam laid the foundation for the postwar arrangement of Europe. They are vital in that they were essentially anti-fascist, democratic agreements. **They provided for the elimination of Hitler's "new order"** which had deprived entire nations and states of independence and even hope for freedom and sovereignty. The logic of the old political thinking led to the division of Europe into two mutually opposed military blocs. There is a version circulating in the West according to which Europe was split up by the communists. But what about the Fulton speech of Churchill? Or the Truman Doctrine? The political division of Europe was started by those who brought about the disintegration of the anti-Hitler coalition, launched the Cold War against the socialist countries and set up the NATO bloc as an

instrument of military-political confrontation in Europe. It should be reiterated that the Warsaw Treaty was signed *after* the establishment of NATO.

Because of NATO, Europe once again found itself harnessed to a chariot of war, this time one loaded with nuclear explosives. And today the main blame for the continued division of Europe must be placed on those who have turned it into an arena of nuclear missile confrontation and are calling for a revision of the European borders, ignoring politico-territorial realities.

For a start, we have repeatedly suggested scrapping the military blocs, or at least the military wings of the two alliances. But since this proposition of ours has not been accepted, we must take this reality into account as well. Even so, we believe that, blocs or no blocs, we must still pave the way for a better world and for improved international relations that would at some stage lead to all military alliances being disbanded.

There have been quite a few dramatic situations and events in the postwar history of Europe, but anyway the European states, in accordance with the concrete conditions and opportunities, made their choice: some of them remained capitalist while others moved towards socialism. A truly European policy and a truly European process can only be promoted on the basis of recognition of and respect for that reality.

We resent the belief that Europe is doomed to confrontation between blocs and to a continual preparation for war against each other. That the socialist countries have not resigned themselves to that prospect is confirmed by the initiative, put forward by them, that led all Europe, the US and Canada to Helsinki. The Final Act adopted there showed real ways of attaining unity for the continent on a peaceful and equitable basis.

However, the impetus provided by the famous conference in the capital of Finland started waning under the pressure of the winds of a second "Cold War." Much has been said about the causes of this, but this is not what we are talking about now. By way of self-criticism I will mention just one such cause: the weakening in the economic positions of socialism which we allowed in the late seventies and early eighties. On the other hand, this proves yet again, contrariwise, as it were, that socialism is meant to play the decisive role in subduing the

Euromissiles. But there were also disputes, which with Margaret Thatcher and Jacques Chirac were particularly heated, about their concept and the general NATO notion of "nuclear deterrence." I expressed to them my surprise at the commotion which Reykjavik caused in some Western capitals. There were no reasons whatsoever to view its results as a threat to Western Europe's security. Such conclusions and assessments are the fruit of the obsolete thinking of the Cold War times.

In speaking with foreign leaders I sometimes ask directly: "Do you believe that the Soviet Union intends to attack your country and Western Europe in general?" Almost all of them answer: "No, we do not." But some of them immediately make a reservation, saying that the very fact of the USSR's immense military might creates a potential threat. One can understand such reasoning. But it is far less clear when national prestige and grandeur are linked with possession of nuclear arms, though it's known for a fact that if a nuclear war were to break out these weapons would only invite strikes and have no other real significance.

When we talk about disarmament as a vital unit which should be laid first in the construction of a common European home, we address, above all, the European nuclear powers—Britain and France. The Soviet Union showed immense trust in Western Europe by agreeing in the course of the current negotiations on disarmament, not to take their nuclear potential into account. The main motive behind this move is that we rule out, even in our thoughts, to say nothing of our strategic plans, the very possibility of a war with Britain or France, let alone with non-nuclear European states.

And when, in connection with our proposals, we encountered speculation as to whether Moscow was planning a trick and wanted to split NATO, to lull Western Europe's vigilance and then overrun it, when the idea of a nuclear-free Europe began to be attacked as harmful and dangerous, I said publicly to all these people: "What are you afraid of, gentlemen? Is it so difficult to rise to the level of real assessments for the truly historic processes which are taking place in the Soviet Union and the entire socialist world? Can you not understand the objective, unbreakable connection of these processes with genuinely good intentions in foreign policy?"

← It is high time to put an end to the lies about the Soviet Union's

aggressiveness. Never, under any circumstances, will our country begin military operations against Western Europe unless we and our allies are attacked by NATO! I repeat, never!

Let Western Europe quickly get rid of the fears of the Soviet Union which have been imposed upon it. Let it give thought to the idea that elimination of nuclear weapons in Europe would create a new situation not only for the West but also for us. We cannot forget that incursions into our territory in the pre-nuclear era were made more than once from the West. And does not the fact that all NATO military exercises invariably include offensive scenarios speak for itself?

We regard as of great political importance the fact that Greece, the Netherlands, Spain, Italy, Sweden, Finland and many other European countries have raised their voice in favor of resolving the Euromissiles issue.

In the West they talk about inequalities and imbalances. That's right, there are imbalances and asymmetries in some kinds of armaments and armed forces on both sides in Europe, caused by historical, geographical and other factors. We stand for eliminating the inequality existing in some areas, but not through a build-up by those who lag behind but through a reduction by those who are ahead.

In this field there are many specific issues awaiting solutions: reduction and eventual elimination of the tactical nuclear weapons, to be coupled with a drastic reduction of the armed forces and conventional weapons; withdrawal of offensive weapons from direct contact in order to rule out the possibility of a surprise attack; and a change in the entire pattern of armed forces with a view to imparting an exclusively defensive character to them. I spoke about it specifically at a meeting in Prague. Proposals on that score are detailed in the Budapest program of the Warsaw Treaty Organization.

A major confidence-building measure in the spirit of new thinking concerning their military doctrine, which is strictly defensive in all its components, was announced by the Warsaw Treaty countries at a meeting of their Political Consultative Committee in Berlin in May 1987.

Measures such as the creation of nuclear-weapon-free zones and zones free from chemical weapons would also help strengthen European security. We support the offer by the governments of the German Democratic Republic and Czechoslovakia to the West

strong conviction that the arms race must not spread into space with a proposal for broad international cooperation in the peaceful exploration and use of space.

On the eve of the Geneva meeting, the Warsaw Pact countries declared at a meeting of their Political Consultative Committee in Sofia that they were determined to continue working toward peace, *détente*, against the arms race and confrontation, and for an improvement in the international situation in the interests of all countries of the world.

### *Geneva*

All the details of the Geneva meeting are fresh in my memory. During the two busy days I had several one-on-one discussions with President Reagan. There were five such meetings to be exact, not counting when we met for a couple of minutes to bid each other goodbye.

As I have already said, our discussions were frank, long, sharp, and, at times very sharp. We saw that we had what I think is a spring board for working toward better Soviet-American relations. This was the realization that a nuclear war cannot be won and must never be fought.

That view was repeatedly expressed by the Soviet side and by the Americans as well. This means that the central issue in relations between our two countries today is security. I told the President that we must think of ways to improve bilateral relations in the interest of the Soviet and American peoples and then try to make those relations friendly, taking into account that our countries are not only different but also interrelated. For the alternative is universal destruction.

It was from this point of view that we talked about the need for measures to prevent an arms race in space and to halt it on Earth, and the importance of maintaining strategic parity and lowering its level. From this position we also discussed **the outside world, which is a many-faceted community of nations, each with its own interests, aspirations, policies, traditions and dreams.** We talked about the natural wish of every nation to exercise its sovereign rights in the political sphere and in the economic and social spheres as well. Each country has the right to choose a way of development, a system and

friends. If we do not recognize this, we shall never be able to arrange normal international relations.

There were moments when the President concurred, but on many things we could not reach agreement. Our substantial differences on matters of principle remained. In Geneva we failed to find a solution to the fundamental problem of halting the arms race and strengthening peace.

However, even then, in the autumn of 1985, I believed, as I still believe, that the meeting was necessary and useful. In the most difficult periods of history moments of truth are needed like air. The arms race has made the international situation too disquieting and too much nonsense has been said on this score. The time has come to disperse this fog and check words by deeds. Nothing can do this better than direct discussion, and this is what summit meetings are for. In direct debate you can't hide from the truth.

In Geneva we got to know each other better, clearly saw the nature of our differences, and started dialogue. **We signed an agreement on cultural exchanges which is already working to our mutual advantage.** We realized that we still had a long way to go in order to achieve a satisfactory mutual understanding and that we had to work really hard to bring about a change for the better in Soviet-American relations and in the world in general.

### *After Geneva*

What happened after Geneva? We always knew that nothing would change by itself and that it required a good deal of initiative to continue what had been achieved. The binding agreements signed in Geneva, in which both sides pledged that a nuclear war must never be fought, that neither side would seek to achieve military superiority and that the Geneva negotiations should be accelerated, had to be translated into practical moves. And we made such moves.



## Moratorium

On 1 January 1986, the term of our unilateral moratorium on nuclear explosions expired, but the Soviet Union extended it. It was a very serious decision which involved some risks for us because advances in space technology continued and new types of nuclear weapons, such as nuclear-pumped lasers, were being developed. Yet we had the courage to do what we did and invite the United States to follow suit in the interest of world peace.

A nuclear test ban is a **touchstone**. If you sincerely wish to **eliminate nuclear weapons, you will agree to ban tests because such a ban will lead to a reduction of the existing arsenals and an end to their modernization**. If you do not want this to happen, you will do everything to ensure that testing continues.

A nuclear test ban is a measure that would immediately introduce a new, encouraging element in Soviet-American relations and the international situation as a whole. There was a good basis for carrying out this measure. The Soviet Union and the United States are both signatories to the treaty banning nuclear tests in three environments. We had worked out an agreement on the limitation of underground nuclear explosions and had some experience in negotiating their total prohibition.

Earlier the stumbling block was the verification problem. To remove it we declared that we were prepared to accept verification in any form and use to this end both national technical facilities and international facilities involving third countries.

Being an action rather than just a proposal, the Soviet moratorium on nuclear explosions bore out the seriousness and sincerity of our nuclear disarmament program and our appeals for a new policy—a policy of realism, peace and cooperation.

People of good will acclaimed our decision for a moratorium on nuclear explosions. We heard words of approval and support from all over the globe. Politicians and parliamentarians, public figures and organizations viewed this action as an example of a correct approach to present-day problems and as a hope for deliverance from the fear of nuclear catastrophe. The Soviet moratorium was endorsed by the UN General Assembly, the most representative body of states in

the world. We were supported, also, by outstanding physicists and physicians, who realize perhaps better than anyone else the dangers of the atom. The Soviet moratorium inspired members of the scientific community in many countries to vigorous actions.

However, all these obvious and encouraging manifestations of the new thinking are being countered by militarism and the political attitudes linked with it, which have so dangerously lagged behind the sweeping changes taking place internationally. The US Administration reacted unequivocally to the extension of the Soviet moratorium—it went on with a series of nuclear tests. Its spokesmen officially declared that it is Moscow's business whether to test nuclear charges or not. As far as the United States was concerned, the tests would continue without any let-up.

Silence reigned at Soviet test sites. Of course, we weighed the dangers involved in Washington's actions and saw how demonstratively and impudently the American Administration was pushing its line in total disregard for the appeals to put an end to all nuclear explosions. Nevertheless, having examined the problems from all angles, and guided by a sense of responsibility for the fate of the world, the Politburo of the CPSU Central Committee and the Soviet government resolved in August 1986 to extend the unilateral moratorium on nuclear tests until 1 January 1987. The United States, however, elected not to follow the Soviet example.

I do not think our moratorium was unproductive. World public opinion learned that nuclear tests could be ended and it learned who was opposed to this. It's true that a historic chance to halt the arms race was missed then, but the political lessons of all this have not been wasted. Now that an agreement has been reached to start full-scale, stage-by-stage negotiations on nuclear testing by 1 December, we can congratulate ourselves and everyone for having got the matter off the ground.

## The Nuclear Disarmament Program

On 15 January 1986 we advanced a fifteen-year program providing for the stage-by-stage elimination of nuclear weapons by the end of the twentieth century. We carefully worked out this program, seeking to ensure a mutually acceptable balance of interests at each stage so that no one's security would be undermined at any point. Any other

approach would be simply unrealistic. On the basis of this program our representatives tabled major compromise proposals at the Geneva talks. They touched upon medium-range missiles, strategic offensive weapons, and non-militarization of outer space.

The Statement of 15 January was of a policy-making nature. We wanted to single out the main threat to civilization related to nuclear weapons and nuclear explosions, without overlooking the questions pertaining to the prohibition and elimination of chemical weapons and a drastic reduction in conventional armaments. This was a set of measures in general outline. The overriding principle in operation at all stages was the maintenance of a balance. No political games or ruses are needed, but political responsibility and a clear understanding that no one is out to deceive anyone else when the issue at stake is as sensitive as a state's security.

Such a step as the one we took on 15 January 1986 required not only an understanding of our responsibility, but also political resolve. We proceeded from the need for new approaches to security issues in the nuclear space age. This was the will of our entire people. In taking this step, the last thing we contemplated was a propaganda dividend to outdo the other side. The move was dictated by a sense of responsibility about preventing nuclear war and preserving peace. Our stance here accorded with world public opinion; among other things, it was a response to the appeal of the **Group of Six (India, Argentina, Sweden, Greece, Mexico, Tanzania)**.

We are profoundly devoted to the idea of a nuclear-free world. Enriched by the Indian political tradition and the specifics of Indian philosophy and culture, this idea was developed in the Delhi Declaration on Principles for a Nuclear-Weapon-Free and Non-Violent World. For us this is not some slogan that was invented to stagger the imagination. Security is a political issue, not a function of military confrontation. Failure to understand this can only result in war with all its catastrophic consequences. If the huge stockpiles of nuclear, chemical and other weapons that have been accumulated are unleashed, nothing will remain of the world. What we are talking about is the survival of humanity. For us the idea of a nuclear-free world is a conviction which we arrived at through a great deal of suffering. We regard security as an all-embracing concept which incorporates not only military-political aspects, but economic, ecological and humanitarian ones as well.

At the 27th Congress of the CPSU we substantiated from all angles the concept of building an all-embracing system of international security. We presented it to the entire world, to the governments, parties, public organizations and movements which are genuinely concerned about peace on Earth.<sup>1</sup>

We are not reneging on any of the proposals in our Congress

<sup>1</sup> We see the Fundamental Principles of this system as follows:

1. In the military sphere
  - i renunciation by the nuclear powers of war both nuclear and conventional against each other or against third countries;
  - ii prevention of an arms race in outer space, cessation of all nuclear weapons tests and the total destruction of such weapons, a ban on the destruction of chemical weapons, and renunciation of the development of other means of mass annihilation;
  - iii a strictly controlled lowering of the levels of military capabilities of countries to limits of reasonable sufficiency;
  - iv disbandment of military alliances, and, as a stage toward this, renunciation of their enlargement and of the formation of new ones;
  - v balanced and proportionate reduction of military budgets.
2. In the political sphere
  - i strict respect in international practice for the right of each people to choose the ways and forms of its development independently;
  - ii a just political settlement of international crises and regional conflicts;
  - iii elaboration of a set of measures aimed at building confidence between states and the creation of effective guarantees against attack from without and for inviolability of their frontiers;
  - iv elaboration of effective methods of preventing international terrorism, including those ensuring the safety of international land, air and sea communications.
3. In the economic sphere
  - i exclusion of all forms of discrimination from international practice; renunciation of the policy of economic blockades and sanctions if this is not directly envisaged in the recommendations of the world community;
  - ii joint quests for ways of a just settlement of the problem of debts;
  - iii establishment of a new world economic order guaranteeing equal economic security to all countries;
  - iv elaboration of principles for utilizing part of the funds released as a result of a reduction of military budgets for the good of the world community, of developing nations in the first place;
  - v the pooling of efforts in exploring and making peaceful use of outer space and in resolving global problems on which the destinies of civilization depend.
4. In the humanitarian sphere
  - i cooperation in the dissemination of the ideas of peace, disarmament, and international security, greater flow of general objective information and broader contact between peoples for the purpose of learning about one another; reinforcement of the spirit of mutual understanding and concord in relations between them;
  - ii extirpation of genocide, apartheid, advocacy of fascism and every other form of racial, national or religious exclusiveness, and also of discrimination against people on this basis.
  - iii extension—while respecting the laws of each country—of international cooperation in the implementation of the political, social and personal rights of people;
  - iv solution in a humane and positive spirit to questions related to the reuniting of families, marriage, and the promotion of contacts between people and between organizations;
  - v strengthening of and the quests for new forms of cooperation in culture, art, science, education, and medicine.

In this context I would like to reiterate once more: if the United States succeeds in having its way with SDI, which we doubt very much, a Soviet answer will be forthcoming. If the United States does not give up SDI, we are not going to make life easier for the US. Our reply will be effective, credible and not too costly. We have a tentative scheme on how to puncture SDI without spending the fabulous sums the US will need to establish it. Let the Americans consider once again if it is worthwhile wearing themselves down with SDI. It would not offer dependable protection anyway.

But SDI means moving weapons to a new medium which would greatly destabilize the strategic situation. On the other hand, adherence to SDI speaks of political intentions and political aims: to place the Soviet Union at a disadvantage by hook or by crook. It was these political intentions, these illusory designs—to dominate the USSR through the Strategic Defense Initiative—that prevented Reykjavik from being crowned with decisions of historic significance.

Ronald Reagan and myself talked a good deal about it, and our discussions were rather heated. I was sincere when I told the President that our meeting could not produce one winner: we would both either win or lose.

And still Reykjavik marked a turning-point in world history. It tangibly demonstrated that the world situation could be improved. A quantitatively new situation emerged. Now no one can act in the way he acted before. At Reykjavik we became convinced that our course was correct and that a new and constructive way of political thinking was essential.

The meeting, as it were, raised to a new level the Soviet-American dialogue, as indeed it did the whole East-West dialogue. This dialogue has now broken free of the confusion of technicalities, of data comparisons and of political arithmetic, and has acquired new parameters. Reykjavik has become a vantage point for spotting prospects of solving difficult issues—I speak of security, **nuclear disarmament** and the need to stop new dimensions in the arms race. Reykjavik mapped out a route by which humankind can regain the immortality it lost when nuclear arms incinerated Hiroshima and Nagasaki.

We feel the meeting in Iceland was a landmark. It signified completion of one stage in the disarmament effort and the beginning of another. We broke down the old pattern of talks and brought the

Soviet-American dialogue out of what, I would say, was political fog and demagogy. During the years of negotiations **numerous proposals** by both sides **had turned** disarmament topics into absolute **Greek even to political leaders, not to mention the public at large**. Our **latest nuclear disarmament program is simple and understandable to everyone**. It boils down to four points expressed in a page and a half (as described on page 231). The broad public can understand it. This was our deliberate aim, to make the world public a kind of party to our talks.

### *After Reykjavik*

The dialectics of Reykjavik are such: the objective is nearer and more palpable, while the situation has grown more complex and contradictory. One can clearly see that, on the one hand, agreement, unprecedented in scope, is within reach and, on the other hand, there are enormous barriers in its way. Generally speaking, we have never come so close to accord before.

And indeed, it turned out that on the first and second points of our platform—strategic weapons and medium-range missiles—we achieved understanding, difficult though it was. This alone added greatly to our experience. We appreciated the President's difficulties and knew that he was not free to decide. We did not overdramatize the fact that the ABM problem prevented Reykjavik from becoming a total success. We decided: let the President think over everything that has taken place, let him consult Congress. One more attempt might be necessary to step over what divides us. We can wait. **So we did not withdraw the proposals we brought to Reykjavik.**

Reykjavik gave us an important insight into where we stand. Some clear-cut thinking is needed here and the approach must not be primitive. I would not on any account call Reykjavik a failure. **It was a stage in a long and difficult dialogue, in the quest for solutions which must be large-scale.** Only then is agreement possible. From Reykjavik we drew the conclusion that the need for dialogue had increased. This is why after Reykjavik I am an even greater optimist.

**The text of this book was already on the publisher's desk when**



Eduard Shevardnadze and George Shuliz agreed in Washington that an agreement on medium- and shorter-range missiles would be drafted shortly and signed before the end of the year. This will be the first, major step toward disarmament. And this will also be a practical result of the Reykjavik meeting, proof that it was a historic meeting, a turning-point. And thus we have the answer to a question which was often asked then: has the world become a safer place since Reykjavik?

Some people tried to explain the Reykjavik drama (the situation was really dramatic) as though the whole matter hinged on one word and crumbled because of that word. No, it was a matter of principle. We made great strides to meet the other side, but we could not make a concession that would jeopardize the security of our state. Back in Moscow I twice spoke on the Reykjavik results, and not only to restore the truth, which was being distorted. My aim was first of all to determine what to do next. I said at the time and I am still convinced that the non-success of Reykjavik was due to two strategic misconceptions typical of certain Western circles.

First, that the Russians are afraid of SDI and would therefore make any concessions. And second, that we have a greater interest in disarmament than the United States. These sentiments had their impact on the course of the Reykjavik talks. We soon felt what was expected of us: the American delegation had arrived without a definite program and wanted only to put pickings in its basket.

The American partners stubbornly pushed us toward what had been fruitlessly discussed by our delegations at the Geneva talks. We, for our part, wanted to put what had been in principle agreed at the Geneva summit into practical and real terms. In other words, we wanted to give an impulse to the process of the elimination of nuclear weapons.

Indeed, all the previous talk had been about the limitation of nuclear weapons. Now it was about their reduction and elimination. That being so, it was necessary to seal all openings for outflanking maneuvers that could guarantee superiority. That is why the key point proved to be observance of the ABM Treaty. The US stand in Reykjavik on this issue clearly showed that the American side had not lowered its sights on supremacy. But it was found lacking both in responsibility and in the political determination to cross that threshold, because that would

mean shaking off the influence of the military-industrial complex.

Nevertheless, we are not giving the matter up as lost. We proceed from the belief that Reykjavik has opened up new chances for all—Europeans, Americans and us—to see what is happening. One thing is clear to us, however: since the Americans want to get rid of the ABM Treaty and pursue SDI—which is an instrument for ensuring domination—than there is need for a package where everything is interconnected. And we wish to be fair: in advancing that package, we wanted to show to the world that SDI is the main obstacle to an agreement on nuclear disarmament.

The time that has passed since Reykjavik has been highly instructive. The militarist circles got a real scare. They tried, and still are trying, to pile up most absurd obstacles in the way of the process begun in Reykjavik, to make it somehow peter out. All kinds of stories were served up on what was discussed in Reykjavik and every effort was made to conceal the fact that the American side had come empty-handed to Reykjavik, prepared only to pick up Soviet concessions.

All sorts of things have happened in the days, weeks, months and now almost a year since Reykjavik. I choose to call a spade a spade: the US Administration has in fact set a course toward nullifying the Reykjavik results. None of its actions leave any doubt as to that. We saw the US begin to mix things up with regard to what actually took place in Reykjavik, and Western Europe stricken with near-panic feelings.

But the main thing is the activities of the United States. I mean the United States actually exceeding the limits of the SALT-II Treaty by deploying the 131st strategic bomber equipped with cruise missiles. Furthermore, I mean the ostentatiously loud debates in the Administration in favor of the so-called broad interpretation of the ABM Treaty. And in the first months of 1987 we heard from Washington that it was time for the US to start deploying the first SDI components in space.

The Geneva talks, too, were proceeding at a slack pace. Attempts were made to drag us back, and all those levels and sublevels were again thrown out on to the table. For propaganda purposes all that was garnished with talk about Soviet toughness and obstinacy; it was claimed that the USSR was setting out its proposals as a package and was preventing solutions where they were already possible.

the last few decades has had such chances to do something to improve relations with the USSR. Well then? There is nothing to boast about! We have not moved an inch forward so far.

And time is running out. We were convinced that either we would reach accords, or that there would be nothing left for us to do except throw brushwood into a smouldering fire of Soviet-American relations to keep it from going out altogether.

We have taken the steps necessary to rid our policy of ideological prejudice. That is what the West must do, too. It must, first of all, get rid of the delusion that the Soviet Union needs disarmament more than the West and that just a little pressure could make us renounce the principle of equality. We will never do that.

Look: **all the Soviet proposals, no matter how thoroughly they are studied, envisage equality and a balance at all stages. This concerns nuclear arms, conventional weapons and chemical weapons, and concerns any geographical area—East, West, Europe and America. We prepare our proposals thoroughly, proceeding from the idea that no country would agree to act to the detriment of its security.**

When we submit our proposals at the negotiations, for instance at the Geneva talks or elsewhere, we proceed from the idea that if we take into account only the interests of the Soviet Union and ignore the partner's interests, no agreement will be reached. We call on the American side to do the same—to treat us in the same way because we will never tolerate the superiority of the other side or any infringements on our security. And we do not want to prejudice the USA's security. If both sides display such an approach, the most resolute headway in all fields of Soviet-American cooperation will be possible.

Of course, we can wait till another Administration comes to power but we would prefer to come to **terms with the present one.** We have made a certain start; there **are** personal contacts and a certain measure of understanding. We **deem** it most important to create a normal atmosphere in which it would be possible to make a step at long last toward an accord. But the American side stumbles time and again. Still worse, each time we take a step to meet Washington, the counteraction forces strive to complicate the whole matter and to stop the movement forward by intensifying their activity.

One of the latest illustrations of this is the case of eavesdropping

in the embassies. **I proposed to George Shultz a "new concept": that he and Shevardnadze are the main spies. And our ambassadors in Moscow and Washington are spies, too.** They hold their posts precisely to inform their country of the state of affairs and the intentions of the other country. And all this fuss of spy mania in the embassies is senseless. We know all the main things about the US and the US knows everything about us. This time the spy craze was engineered because it has become a rule: when definite contours become visible, when it becomes possible to resolve something in our relations, they immediately use a trick or ploy to torpedo it.

I know that various false conjectures have been made about the attitude of the Soviet leadership to President Ronald Reagan. I have personal impressions of the President. We have met twice and talked for many hours. In my opinion, a serious dialogue is being held between the President and myself, despite all the difficulties. Sometimes we say unpleasant things to each other and even say them in public and in rather sharp words. For my part, I say that we will continue our efforts. We will seek cooperation and productive talks with any President, with any administration the American people elect. To elect the President—a Democrat or a Republican—is the Americans' own affair. I repeat that we will cooperate with the administration which is entrusted by the American people to govern their country. I think one should act in this way in all cases. Let the Americans live in their country as they like and we will live in the Soviet Union as we desire. And let us never divide the list of politicians into favorites and non-favorites, into respected and not respected. There are realities, and they should be considered. Otherwise politics would turn into improvisation, into moves from one extreme to another, into unpredictability. It would be wrong to act in such a way in politics, particularly in relations between such states as the United States and the Soviet Union. It is a very serious matter.

It is very important that both the Soviet Union and the United States should proceed from the conviction that we must come to terms, that we are duty-bound to learn to live in peace.

Great work of historic importance lies in store both for the Soviet Union and the United States. Neither of our countries alone will be able to do this work. I mean the issue of concerns of our days—staving off the threat of humanity's destruction in a nuclear war. If

momentum among the intelligentsia, representatives of culture, and the public at large. And if the Russian word "perestroika" has easily entered the international lexicon, this is due to more than just interest in what is going on in the Soviet Union. **Now the whole world needs restructuring, i.e. progressive development, a fundamental change.**

People feel this and understand this. They have to find their bearings, to understand the problems besetting mankind, to realize how they should live in the future. The restructuring is a must for a world overflowing with nuclear weapons; for a world ridden with serious economic and ecological problems; for a world laden with poverty, backwardness and disease; for a human race now facing the urgent need of ensuring its own survival.

We are all students, and our teacher is life and time. I believe that **more and more people** will come to **realize** that through **RESTRUCTURING** in the broad sense of the word, the integrity of the world will be enhanced. Having earned good marks from our main teacher—life—we shall enter the twenty-first century well **prepared** and sure that there will be further progress.

We want **freedom** to reign supreme in the coming century everywhere in the world. We want peaceful competition between different social systems to develop unimpeded, to encourage mutually advantageous cooperation rather than confrontation and an arms race. **We must people of every country to enjoy prosperity, welfare and happiness.** The road to this lies through proceeding to a nuclear-free, **non-violent world. We have embarked on this road,** and call on other countries and nations to follow suit.

Mikhail Sergeyevich Gorbachev was born on 2 March 1931 in the village of Privolnoe in the Stavropol Territory (Southern Russia). Since March 1985 he has been General Secretary of the CPSU (Communist Party of the Soviet Union) Central Committee, Chairman of the USSR Council of Defense and Member of the Presidium of the USSR Supreme Soviet (the Soviet Parliament), having joined the Communist Party in 1952.

He graduated from the Law Department of Moscow State University in 1955 and from the Stavropol Agricultural Institute in 1967.

At the age of fifteen he began work as a harvester operator. In the mid-fifties he was a leader of the Stavropol Komsomol, being Secretary of the City Komsomol Committee and later Secretary to the Territory Komsomol Committee. In 1966 he became Secretary of the Stavropol City Committee of the CPSU and later First Secretary of the Stavropol Territory Committee of the CPSU.

In 1970 he was elected to the Supreme Soviet of the USSR. In 1971 he was elected a Member of the CPSU Central Committee at the 24th Congress of the CPSU, and in 1978 he was elected Secretary of the CPSU Central Committee at the Plenary Meeting of the CPSU Central Committee. He moved to Moscow at this time.

He became an Alternate Member of the Politburo in 1979, and has been a Member of the Politburo of the CPSU Central Committee since 1980.



We will seek President Gorbachev's assurance that this process of reform in Eastern Europe will continue, and we will give him our assurance that America welcomes reform not as an adversary seeking advantage but as a people offering support. Our goal is to see this historic tide of freedom broadened, deepened, and sustained. We find enormous encouragement in its peaceful advance and its acceptance by the Soviet Union. We can now raise our hopes on other issues: our common environment, our common war against drugs, as well as on human rights and the regional conflicts that remain.

Immediately after my visit with President Gorbachev, I will go to Brussels to consult with our partners in NATO, the very alliance that has kept the West free for 40 years. I will assure them that no matter how dramatic the change in Eastern Europe or in the Soviet Union itself the United States will continue to stand with our allies and our friends. For in a new Europe, the American role may change in form but not in fundamentals. After all, the Soviet Union maintains hundreds of thousands of troops throughout Eastern Europe. Study the map, review history, and you'll see that this presence, with the Soviet Union's natural advantage of geography, cannot be ignored. So, even if forces are significantly reduced on both sides, a noble goal indeed, we will remain in Europe as long as our friends want and need us.

Off the island nation of Malta, Mikhail Gorbachev and I will begin the work of years. We can help the peoples of Europe achieve a new destiny, in a peaceful Europe whole and free. I will tell President Gorbachev, the dynamic architect of Soviet reform, that America wants the people of the Soviet Union to fulfill their destiny. And we will assure him that there is no greater advocate of perestroika than the President of the United States.

When we meet, we will be on ships at anchor in a Mediterranean bay that has served as a sealane of commerce and conflict for more than 2,000 years. This ancient port has been conquered by caesar and sultan, crusader and king. Its forts and watchtowers survey a sea that entombs the scuttled ships of empires lost—slave galleys, galleons, dreadnoughts, destroyers. These

ships, once meant to guard lasting empires, not litter the ocean floor and guard nothing more than reefs of coral. So, if the millennia offer us a lesson, perhaps it is this: True security does not come from empire and domination. True security can only be found in the growing trust of free peoples.

It has been said that peace is not the work of a single day nor will it be the consequence of a single act. Yet every constructive act contributes to its growth; every omission impedes it. Peace will come, in the end, as a child grows to maturity, slowly, until we realize one day in incredulous surprise that the child is almost grown. It is our hope that Malta will be such a constructive act: guiding brave pilgrims on their journey to a new world of freedom.

*Note: The President spoke at 9:01 p.m. in the Laurel Lodge at Camp David, MD. The transcript of the actual address was not available for inclusion in this week's issue.*

## Interview With Foreign Journalists November 21, 1989

### Conventional Force Reductions in Europe

**Q.** Mr. President, Secretary [of Defense] Cheney was saying on the weekend that he might envision deeper troop cuts after the CAFE One, as sort of CAFE Two. Now, do you think that such talk is premature, or have you calculated that you may need further troop cuts in order to avoid raising taxes next year?

**The President.** Well, there are pressures on the defense budget; and Dick Cheney, a man who has always believed in a strong defense, still believes in a strong defense. But for those who follow our budget process, they know that defense has been hit 5 years in a row, and so, it is appropriate that any Secretary of Defense encourage active reviews.

What I want to do is get on with the—you call it CAFE One—and get those conventional forces reduced in accordance with that and do it on schedule, and then see where we go. But there's a rapidity of change around the world. It's self-evident,

very evident. And I'm not suggesting that forevermore we'll have the same levels of troops anywhere—standing army, Europe, Korea, anywhere else. But we're certainly not doing to take any unilateral action. We do what we do in conjunction with allies. We'll be perfectly prepared to think anew, always, because we're living in fascinating, changing times. The Secretary of Defense, in conducting a review, is doing what I want him to do. But there will be no—what I would call—premature decisions in terms of unilateral cuts. Sometimes we accept cuts in the congressional process that we don't want. We've got to digest those cuts. But I think Dick's, along with the Joint Chiefs, are looking forward, looking ahead, trying to figure out what levels are appropriate under various scenarios with international tensions or lack of tensions.

So, I think we're on the right track on this. But I think people are reading, in some places, in some cases, too much into the story that he has ordered this review. At least, I didn't get all excited when I saw it because I know what he's doing.

### Meeting With President Gorbachev and Soviet-U.S. Relations

**Q.** Could you tell us what is your agenda for the summit meeting in Malta? You're quoted as saying that that would be an historic opportunity to enhance the peace. How do you think you will be able to achieve that? And lastly, would it be correct to say that your Soviet policy is firmly in place now? And if so, what are the basic premises of your Soviet policy?

**The President.** Well, there is no formalized agenda as there would be in an arms control meeting. Arms control will be taken up in the summit that has already been set, and that summit will drive the arms control agenda. That's point one.

What was the second part? I know the third part.

**Q.** You were quoted as saying that it will be an historic opportunity to enhance peace.

**The President.** Well, I'll tell you what I want to do is be sure we don't miss an opportunity. I want to be sure we don't have any misunderstandings—Mr. Gorbachev conducting himself in one way and

our not understanding his thinking.

It isn't a summiting that is going to happen. It is not a re- like using the word connotation, in a mainly agreement we're not looking and dotting I's at the to happen. And I Secretary thinks it hope he doesn't. I your newspaper to we're not expect enough background on the meeting to that expectation.

But look, there is going on in Eastern anxious to hear from are about the but know ours: a Europe know my conviction. They know on racy and freedom to have a chance to in him my conception.

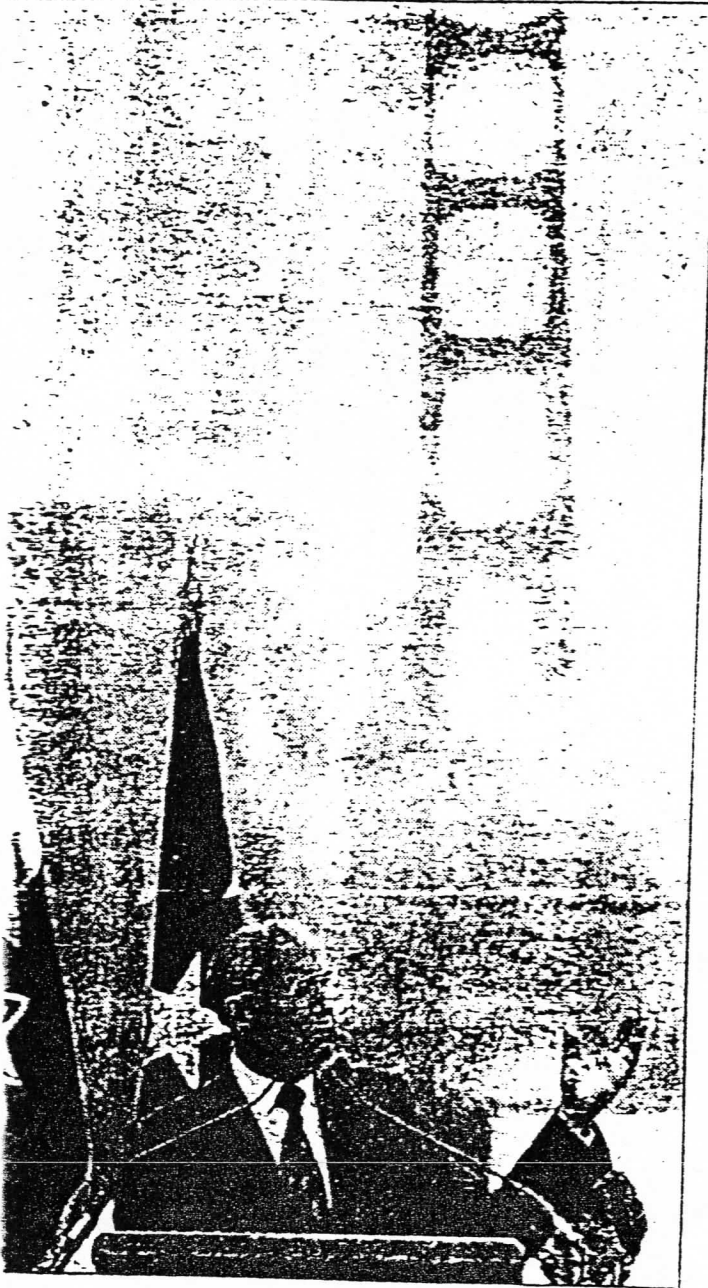
In terms of U.S. based at this juncture *perestroika* succeed have been some part of some of that. I think they statements or the formulate an arms proposal, or maybe summit, or maybe posal—which was Malta. So, maybe it standing as to who to see *perestroika*.

I remember Mr directly with President year in New York your country want wonder if *perestroika* spoke up, even the President then, in There are no serious States that want to not sure that he administration, tal

# The Peace Dividend

Gorbachev Pro-Democracy Foundation  
Opens Office at Bay Area's Presidio

LOS ANGELES TIMES April 11 1993



Associated Press

Mikhail S. Gorbachev, with the Golden Gate Bridge behind him, opens his foundation headquarters at the Army's Presidio.

## THE FORMER HEAD OF THE RUSSIAN KGB TAKES OVER A U.S. MILITARY POST IN S. F.

By JENIFER WARREN  
TIMES STAFF WRITER

**S**AN FRANCISCO—In an event that would have been unfathomable a few years ago, former Soviet President Mikhail S. Gorbachev opened an office Friday on one of America's most hallowed military posts, the Presidio of San Francisco.

Gorbachev, who resigned from office in 1991 as the Soviet Union crumbled, was given the key to new digs for his pro-democracy foundation by the Presidio's commanding general in a ceremony rich with irony and symbolism.

"Please accept this key as a gesture of our goodwill and our best wishes to you as the newest Presidian," Lt. Gen. Glynn C. Mallory Jr. told Gorbachev.

"I gave you this key in reliable hands," the world's former top commander replied with a grin.

The Gorbachev Foundation USA was invited to sink roots at the Presidio as part of the post's conversion from the headquarters of the 6th U.S. Army to a national park. The base, a stunning piece of oceanfront real estate that has stood guard over the Bay Area for two centuries, is one of dozens scheduled for closure in cost-cutting moves by the Pentagon.

The Army will vacate the Presidio next year, and the National Park Service is reviewing 350 proposals for potential uses in the new park. They range from construction of a bungee-jumping tower to creation of a center for global environmental studies.

Gorbachev is the first applicant granted permission to move onto the post. His foundation is considered a desirable tenant because it may lure other prestigious organizations with an international focus, a theme the Park Service is promoting.

The foundation's small staff will occupy a stately white

house that was formerly home to a Coast Guard commandant. Ringed by Monterey cypress trees and just steps from the surf, it commands views of the Golden Gate Bridge and San Francisco's skyline.

"The entire Presidio is spectacular, but he got one of the best spots that's for sure," said Park Service spokesman Howard Levitt. He said the lease arrangements are temporary and may change when the park blueprint is completed next year.

Gorbachev launched his Moscow-based foundation soon after resigning as president, declaring as his top goals global peace and the strengthening of democracy in the former Soviet republics. The foundation's U.S. arm, run by a board chaired by former Sen. Alan Cranston of California, raises money and provides technical support.

On Friday, few who attended the ceremony failed to herald the historic significance of Gorbachev—a onetime Cold War adversary—setting up shop on the oldest continually operating military base in the United States.

"It is only fitting for the leader of a peace foundation to be welcomed by a soldier," said Lt. Gen. Mallory. "It shows that the defenders of the Golden Gate have been successful . . . and now we proudly stand aside."

Gorbachev gave this assessment of the moment to the crowd of dignitaries shivering in the San Francisco fog.

"This is the symbol of our irreversible transition from an era of confrontation and militaristic insanity to a new world order, one that promises dividends for all."

At the close of the ceremony, Gorbachev was joined via satellite by singer Billy Joel, who announced a June benefit concert to raise money to immunize children in the United States and Russia.

## THE EX-PRESIDENT OF SOVIET UNION NOW

The ex-president of the Soviet Union (also former head of the Russian secret police--the K.G.B.) Mikhail Gorbachev is going to participate in the National Task Force on U.S. Base Military Closings. This is the reason, not only for closing the Presidio in San Francisco, but also for the presence of Mikhail Gorbachev becoming a resident of California. The law already passed (Public Law 87-297), calling for General and Complete Disarmament of the United States, and the updates to that law, call for foreign countries to observe, inspect and monitor the United States, zone by zone, to see that we do not re-arm. The Zonal Inspection Program includes naval shipyards; naval bases and forces; naval air stations, forces, aircraft and missiles; army posts and forces; fissionable material production plants; key armament production plants; missile testing facilities; major ports; railway centers; motor highways; and waterway crossings.

San Jose Mercury News • Extra • Wednesday, April 21, 1993

Extra 3 C 1

## Gorbachev is upbeat at De Anza College

BY JEFF GOTTLIED  
Mercury News Staff Writer

Mikhail Gorbachev, the last president of the Soviet Union, said Thursday that while Russia stands "on the verge of massive unemployment," things will get better.

"I have no doubt we'll eventually find a way out of this situation," he told a sold-out audience in the Flint Center at De Anza College in Cupertino.

Gorbachev, wearing a double-breasted blue suit, spoke in monotone, humorless Russian and often sounded like a professor delivering a long-winded political science lecture.

In a five-minute news conference before his speech, Gorbachev said he would not vote in the referendum on Boris Yeltsin's Russian presidency later this month.

"I believe the referendum is a waste of time," he said. "What we need is new elections."

In his speech, he added, "We need new elections that would create viable institutions."

The elections must be held

soon, while Russia is relatively stable, he said. Otherwise, "we'll have a situation of social unrest that will make the elections impossible."

He said it was not correct to portray Yeltsin always as the reformer and the parliament as the obstacle to change. The parliament, he said, once elected Yeltsin as its leader and backed him on many reforms.

Fridman said the Gorbachev Foundation USA, which is moving into new headquarters in the Presidio in San Francisco.

In his speech in San Francisco, Gorbachev announced that the foundation is creating a national task force on U.S. military base closings. It will be co-chaired by former San Jose Mayor Tom McEnery and former Democratic Rep. Mel Levine of Southern California.

The group will call for a national conference of the 36 U.S. communities that the base closings affect.

The Mountain View-based Center for Economic Conversion will



Mikhail Gorbachev is flanked Thursday by his translator, left, and Richard Henning of De Anza College.

be a partner in the project.

He said it is appropriate for Gorbachev's foundation to sponsor the task force because the former Soviet leader was responsible for the end of the Cold War.

This trip was Gorbachev's third visit to the Bay Area. "I

love San Francisco," he told reporters. "I feel at home here."

But this trip had few of the trappings of power of his previous visits. A student walked past the auditorium where people outside listened to a broadcast of Gorbachev's speech.

"Who's speaking?" he asked. When told it was Gorbachev, he shrugged and walked away.

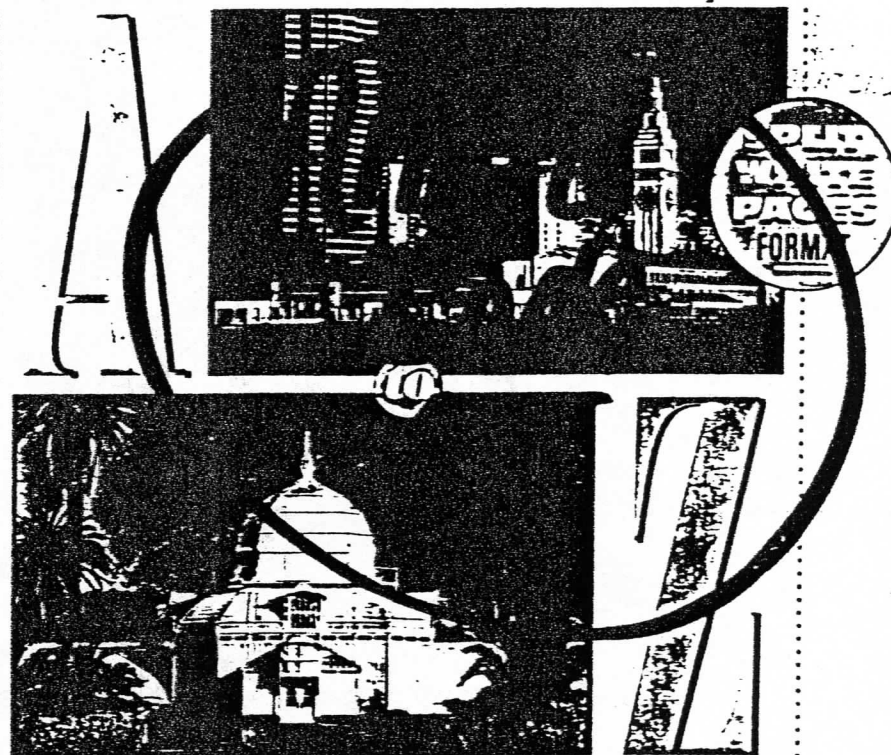
Gorbachev took some mild shots at Yeltsin, his onetime rival. He said "shock therapy" economics has not worked and labeled

the program "the great leap forward," the name of a failed Chinese economic policy.

In his news conference, Gorbachev was asked whether he would re-enter politics. "I never left politics," he said.



# Pacific Bell White Pages



**"Good enough" isn't.**



## San Francisco

Keep Until September 1994  
Area Code 415

## 102

Gordon Art & Associates 140 Carver  
 Gordon Associates Inc 425 Irvine  
 Gordon Associates 10000  
 Gordon Bacty & Co 15377 Vantage  
 Gordon Bernard 1 MC Inc average 2299 Ave  
 Gordon Bernick Brewing Co 2 Harbor  
 Gordon Brack Gordon Electronics-Cable 108  
 Gordon C S 2500 1st Lane 10 10 27th  
 Gordon Classification Group 961 Bismarck  
 Gordon Clock 157 Stearns  
 Gordon Condit S Co 404 E Adams Orange  
 Gordon Clifford Realty 345 Marler  
 Gordon Clifford Realty 1945 Marler  
 Gordon Clifford Realty Inc 1945 Marler  
 Gordon C Co 999 Montgomery  
 Gordon David H ex ap  
 Gordon David M Carl's Business Center 454 Montgomery  
 Gordon Design 329 Bruce  
 Gordon Editor Gordon's Business Magazine 536  
 Gordon Electronics-Cable 141 1st Avenue St  
 Gordon Film & FACEP  
 Gordon 1877 Maple St  
 Gordon Frederick 1275 Gwynne  
 Gordon George B 128 Howard  
 Gordon Gregory S McClellan Drive Bruce & Interior and  
 3 International Center  
 Gordon Group The 961 Bismarck  
 Gordon J Lundberg  
 Gordon Jack David MD 2186 Gary B  
 Gordon Jewellery art 129 Montgomery  
 Gordon Leonard MD 2260 of California St Francisco  
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 Gordon Lighthart & Gordon S Ross arts 275 Bayview  
 Gordon Mirth's Great from Carson Jews  
 Gordon Music 10000  
 Gordon Murray L MD 4141 Gary B  
 Gordon Mary Jane arts 1st 1946 Taylor

Susan Meryl MD secretary 2185 East  
 Susan Morris D DDS 1294-260 In  
 Susan Newman C 787 Pasadena In  
 Susan Newman C DDS  
 Susan Post A Nurse Practitioner

[illegible]



will improve the burden of taxation in ways that will improve the performance of our economy, but the budget outlook tells us that unless we exert a much more effective discipline over the volume of Federal spending we cannot undertake these needed measures of tax relief without courting larger and larger deficits. All the evidence points to the need for a searching scrutiny of expenditure priorities.

Great Lady From Ohio: Mrs. Bolton

#### EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1963

Mr. MINSHALL. Mr. Speaker, there are 67 new Members in this Congress. They have not had the privilege many of us enjoy of having worked and counseled with a charming and remarkable colleague, Congresswoman FRANCES P. BOLTON. I am indebted to her tenfold for the benefit of her wisdom and for the courtesies she has consistently extended to me and my office ever since I came to Washington as a freshman in 1955. I can think of no better way to introduce her than through an excellent article written recently by Alvin Silverman, chief of the Washington bureau of the Cleveland Plain Dealer. There is, of course, one of the 67 new Members who needs no introduction to Mrs. BOLTON—and that is her son, Congressman OLIVER BOLTON, whom we are delighted to welcome back to Capitol Hill.

The article follows:

GREAT LADY FROM OHIO: Mrs. Bolton  
(By Alvin Silverman)

WASHINGTON.—The passing last week of Mrs. Eleanor Roosevelt and the resulting effusion of tributes to her character and achievements brought to mind the lamentable fact that not until death occurs is very much laudatory ever said about any individual.

Judged by any except the most illiberal of critics, Mrs. Roosevelt was a great woman. There are not many great women around. Their total only slightly exceeds the number of great men.

There is, however, a great woman who is a Clevelander. Since she is very much alive and very much disinclined to toot her own horn, this might be an appropriate time to discuss her.

Her name is FRANCES P. BOLTON.

Congresswoman from Ohio's 22d District since 1940, Mrs. Bolton comes from a distinguished family long associated with public service. Both of her grandfathers served in the Ohio General Assembly and one of them, Henry B. Payne, became a U.S. Representative and then a Senator.

Mrs. Bolton and her son, Oliver, just elected to the House for another term after sitting on the sidelines for several years while recovering his health, comprise the only mother-son team ever to serve together in the Congress.

Mrs. Bolton is regarded as an authority on legislation dealing with U.S. foreign policy, particularly Africa and France.

In 1955 she made a 20,000-mile study tour of Africa. Her visit to 24 countries south and east of the Sahara Desert was the first extensive mission to Africa by a Member of Congress.

Two years later, she returned to Africa as an official delegate to the Ghana Independence ceremonies, and later in 1957 she made an official report on United Nations refugee camps in the Middle East.

There is not a single important official of any of the new African nations who does not consider Mrs. Bolton a close friend and adviser. Her Washington home is virtually a headquarters for them when they are in the capital.

Far beyond her contributions in the field of foreign affairs, however, have been Mrs. Bolton's activities in health and nursing.

The first Army school of nursing in World War I was largely the result of the pressure she personally applied on her friend from Cleveland, Secretary of War Newton D. Baker. During World War II, her Bolton bill created the U.S. Cadet Nurse Corps, an organization that graduated 125,000 nurses for the Nation's war effort. Western Reserve University's School of Nursing, named for her, eloquently bespeaks her efforts.

A friend recently was feeling pretty proud that he had been chosen to receive an honorary doctorate degree from a university. Mrs. Bolton acted as if she could not have been more thrilled if she had received one herself. If she had, it would have been No. 15 for her.

France awarded her membership in the French Legion of Honor officer class for her work during and after World War II.

Her other awards include "Churchwoman of the Year," and the American Social Hygiene Association's award for distinguished service to humanity.

Mrs. Bolton is vice regent for Ohio of the Mount Vernon Ladies Association, possibly the most exclusive organization in the Nation. For more than a century, it has been in charge of the George Washington National Shrine. Only recently, Mrs. Bolton bought a large tract of land across the Potomac River from Mount Vernon so that the view would remain unchanged.

There is probably not a church or a hospital in northern Ohio that has not been saved in a major crisis by Mrs. Bolton's financial help or other assistance.

All this, of course, does not make her a great woman.

Her greatness comes also from her character and personality and—well, you get the general idea by now.

#### Pay Increase for the Military

#### EXTENSION OF REMARKS

OF

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1963

Mr. BOB WILSON. Mr. Speaker, for many months I have been extremely concerned at the delay of the Kennedy administration in pushing for a pay increase for the military, despite the fact that other governmental employees have benefited from pay raises on two occasions since the last general military pay increase in 1958.

Last fall I pledged to introduce, if necessary, and support legislation calling for a substantial pay increase. Included was to be a section correcting the inequities in the pay scales for those retired personnel who left the service prior to July 1958. These retired persons were discriminated against and a great in-

equity has existed for over 4 years as a result.

A few weeks ago I was heartened to learn that the Defense Department was supporting a pay increase measure amounting to as much as 14 percent in some categories and also correcting the inequities I mentioned previously.

Rather than introduce my version of a pay bill I have decided to defer such action until the administration's measure comes before the Personnel Subcommittee of the Armed Services Committee. As a member of the subcommittee, I recognize that legislation as introduced by the administration is merely the raw material from which a truly effective and meaningful pay bill can be molded by our subcommittee and subsequently by the Congress.

It is the responsibility of the Congress to act with dispatch on a substantial and constructive pay bill for active duty and retired personnel of our military service and I am looking forward to helping to expedite this much-needed legislation.

#### Current Communist Goals

#### EXTENSION OF REMARKS

OF

HON. A. S. HERLONG, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1963

Mr. HERLONG. Mr. Speaker, Mrs. Patricia Nordman of De Land, Fla., is an ardent and articulate opponent of communism, and until recently published the De Land Courier, which she dedicated to the purpose of alerting the public to the dangers of communism in America.

At Mrs. Nordman's request, I include in the Record, under unanimous consent, the following "Current Communist Goals," which she identifies as an excerpt from "The Naked Communist," by Cleon Skousen:

[From "The Naked Communist," by Cleon Skousen]

#### CURRENT COMMUNIST GOALS

1. U.S. acceptance of coexistence as the only alternative to atomic war.

2. U.S. willingness to capitulate in preference to engaging in atomic war.

3. Develop the illusion that total disarmament by the United States would be a demonstration of moral strength.

4. Permit free trade between all nations regardless of Communist affiliation and regardless of whether or not items could be used for war.

5. Extension of long-term loans to Russia and Soviet satellites.

6. Provide American aid to all nations regardless of Communist domination.

7. Grant recognition of Red China. Admission of Red China to the U.N.

8. Set up East and West Germany as separate states in spite of Khrushchev's promise in 1955 to settle the German question by free elections under supervision of the U.N.

9. Prolong the conferences to ban atomic tests because the United States has agreed to suspend tests as long as negotiations are in progress.

10. Allow all Soviet satellites individual representation in the U.N.



# U.S. and Russia Sign Economic, Technical Pacts

Internationalizing Space Station, Tiding Nuclear Safety Are Aims

By Thomas W. Lippman  
Washington Post Staff Writer

The United States and Russia signed a wide range of economic and technical agreements yesterday aimed at easing U.S. entry into the Russian economy, enhancing closer safety and training ties, and opening U.S. participation to international access.

In a day of cheery ceremonies and upbeat briefings, President Clinton, Vice President Gore and other administration officials hailed the agreements as a prelude to a new era of cooperation on energy, the environment, arms control and technology.

"I'm personally very happy about this," Clinton said of meeting with Russian Prime Minister Viktor Chernomyrdin.

As expected, Russia agreed formally to join the United States and more than 20 other nations in abiding by the Anti-Corruption Technology Regime, a 1987 agreement setting guidelines for transfers of technology. The move officially ended a U.S.-Russian dispute over Russia's sale of rocket engines to India. That dispute had twice delayed Chernomyrdin's return.

The agreement to work together on development of the international space station will "minimize costs and cut time needed to do projects while achieving more than had otherwise been possible," Gore said.

"We're going to have Russians and Americans working closely together," a White House official said. "We'll move space station faster," with a new target of "getting something up and flying in the 1996-97 time frame," about four years earlier than previously planned, the official added.

Clinton used the occasion to press the Russians on two foreign policy points not related to the agreements, said House officials. He urged Russia to improve its relations with Japan, a potential source of capital investment, and to complete the withdrawal of Russian troops from the Balkan nations. Chernomyrdin offered no timetable for the troop withdrawal, a White House staffer said, but the Russians clearly understand the need for it.



President Clinton and Russian Prime Minister Viktor Chernomyrdin meet at the White House. Agreements signed were praised as a prelude to a new era of cooperation on energy, the environment, arms control and technology.

In addition to the space station, agreements signed yesterday included:

• A commitment by the Overseas Private Investment Corp. to provide \$50 million for a fund to invest in new businesses in Russia. The Russian government will provide \$25 million for the fund, which is to be managed by Prime Webster Inc. and aims to stimulate private investment in the struggling Russian economy.

• An agreement to cooperate in the development of Russia's oil and gas industry. The United States will provide environmental expertise and technology to the Russians, and the Export-Import Bank will help finance increased U.S. investment in the Russian energy industry.

• Establishment of an "ombudsman," in each country, to facilitate the other's economic activity.

• An OPEC commitment of \$25 million in insurance and loan guarantees to back Russia's \$1.5-billion project to restore oil wells in western Siberia, a project critical to Russia's effort to reverse a drop in its oil production.

• Creation of six "working groups" to foster economic relations, as agreed by Clinton and Russian President Boris Yeltsin at their Vancouver summit in April. The first

two, on business development and bilateral energy deals, are to be headed by Commerce Secretary Ronald B. Brown and Energy Secretary James R. O'Leary, officials said.

The Russians departed without completing one major deal that they have been seeking for more than a year: the proposed sale of more than \$200 million worth of surplus bomb-grade uranium to the United States for conversion into fuel for nuclear power plants.

Uranium industry sources said the Russians were upset at the failure to sign this contract, but administration officials denied this. They said all bilateral issues related to the proposed sale have been resolved and the only remaining obstacle is a dispute between Russia and Ukraine over dividing the proceeds. That dispute could be resolved when Yeltsin and Ukrainian President Leonid Kravchuk meet today in Kiev, U.S. officials said.

A White House official said the details of the space station agreement "are to be worked out." The relative amounts of American and Russian content and the impact on our own contractors remains to be seen, she said. "It's possible there will be a net job gain" in this country.

## U.S. Says R Impeding S For Data on

POW-MIA Press  
Members of the task force who have been off the Pacific coast since the war, although they have not been picked up, are still alive.

The task force continues to search for information about the fate of the missing. The task force is also looking for information about the fate of the missing. The task force is also looking for information about the fate of the missing.

Tom noted that U.S. intelligence has been reluctant to share all the information it has. "You have problems with security agencies in D.C. just as we have," he said.

The climate within Russian intelligence has grown chillier with respect to the West. In a published letter to the West, the recently fired chief of the Ministry, the former KGB, said, "It's not a coincidence that we have been establishing a motherland," he wrote in his open letter.

Volkovikov said Russia has no information about all the planes. Although some information about that war has been disclosed, the extent remains of considerable interest.

There were over 1,300 aircraft shot down and air defense forces today. "We have identified aircraft, but we have found downed, except hypotheses and a handover of American POWs to the West."

According to the World Bank, more than 2,000 U.S. planes were shot down during the Korean War.

## J.S. Supports Muslim Land Demands, Threatens Use of Force to Revive Talks

BALKANS, From A1

...give the Serbs 52 percent of the land, the Croats 17 percent and the Muslims 30 percent, effectively giving the Serbs and Croats to claim much of the territory they have conquered.

The Muslims have asked for two parcels of land that would give them control over approximately 4 percent more of Bosnia. The talks broke down this week as the Serbs refused to hand back a parcel of conquered territory in northern Bosnia, and the Croats refused to hand over a land corridor to the Adriatic Sea.

Bosnia's Muslim president, Alija Izetbegovic, had declared that these demands constituted the "maximum of demands" for creating a viable Muslim state.

Christopher yesterday called on the Serbs and Croats for flexibility in making the adjustments that the Bosnian government has asked for.

"We think that if the settlement breaks down because of stubbornness, the resurgence of the Serbs in the Croations, then the world community will certainly hold them responsible," Chris said.

...responsible," Chris said before a Venezuelan Foreign minister, Ochoa Astuch.

In Geneva, a semi-expressed optimism would resume. "The belief that with a little more effort, the fact be a negotiated said. 'This is not a domestic at all. It has to be a negotiation that things sit."

But U.N. officials noted that at the negotiation of the previous round of talks, leader had expressed agreement with proposals, but raised new demands for consultations with advisers.

On Wednesday, he appeared ready to accept a plan after a few minutes from the Serbs, and then began to compose an agreement. But Izet turned later with new demands, being unable to place the plan, U.N. officials said.

ombudsman  
= a commissioner appointed by a legislature to hear & investigate complaints by private citizens against government officials or agencies

Webster's Encyclopedic Unabridged Dictionary 1989

## German Cabinet Seeks

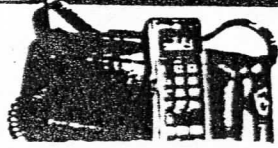
Country's Social, Economic, Educational Systems Would Be Affected

By Rick Altman

continue working beyond the average of braking growth" and "destinying

Motorola TVS 200 Transportable

• 3 Watts Power  
• Dual NAM



Motorola 8000M Portable  
• 27 Memory

AMERICA  
VE HEADQUARTERS

# The Washington Times

SEPTEMBER 14, 1993

SUBSCRIBER SERVICE

## Hopes for peace hang on handshake

Is

### Clinton continues Vietnam embargo

President Clinton yesterday announced that the United States will not lift the 18-year-old economic embargo against the communist government in Vietnam.

The move was taken in part to recognize Hanoi's progress in recent weeks on U.S. demands for a complete accounting of Americans missing in action from the Vietnam war.

Mr. Clinton "took this step to recognize the progress they've made but to underscore that they need to continue and to encourage more progress," a senior administration official said yesterday.

In his action yesterday, the president renewed his authority to maintain trade sanctions against Vietnam, Cuba, North Korea, Cambodia and the Baltic states.

The embargo against Vietnam was imposed in 1975 after the com-



Photo by David R. Sanders for the Washington Times. Moving out Robert McC. Adams will become an adjunct professor of anthropology at UC-San Diego.

### Smithsonian chief Adams to step down

By Eric Gibson

Chancellor of the Smithsonian Institution, Robert McC. Adams, announced yesterday that he will resign as secretary of the Smithsonian Institution when a successor is found.

The board of regents, at a regularly scheduled meeting, immediately formed a search committee to select his successor.

At an afternoon news conference, Mr. Adams, 67, said his departure is "entirely my own initiative." He has been secretary of the Smithsonian since Sept. 17, 1984.

"The years, which is what it will have been, is an appropriate length of time, and anything more is not in the interests of the health of the institution," he said. "You shouldn't let low leadership to congeal."

Mr. Adams said his decision was related to efforts by the Smithsonian, which receives 80 percent of its operating budget from the federal government, to tighten up to adjust to declining appropriations and rising costs.

"I think this is a time with many important changes, changes which require someone to take a long view

### Senate resolution asks to block resettlement

The Senate yesterday called on President Clinton to bar the relocation of Iraqi soldiers taken prisoner during the Persian Gulf war.

The "sense of the Senate" resolution, offered by Sen. John Warner, Virginia Republican, passed on a voice vote. It was attached to the \$262 billion defense budget bill.

The resolution would bar Iraqi soldiers from being resettled in the United States, and would give them no special privileges and benefits and indeed a job at a time when many, many U.S. veterans cannot or have not been able to get comparable benefits.

More than 1,600 Iraqis, including some ex-soldiers and their dependents, have been resettled throughout the country, and 4,600 more are

### INSIDE Metropolitan Times



New officials are becoming aware that young men and women in their academy bring with them the emotions, perceptions and problems of college-age kids across the United States.

Tuesday, September 14, 1993  
Volume 12, Number 257  
4 Sections, 54 Pages

Business / A8  
Politics / A5-11  
Sports / B1-6  
Television / C18  
Top of News / A2  
Weather / B12

### World jobs summit on the back

Other events overshadow

By David R. Sanders

The administration's much-ballyhooed jobs summit to tackle global unemployment this fall appears to be running out of steam.

Planning for the international meeting of high-level government leaders has hardly begun. Key players haven't been contacted. And administration sources say the conference will come off in February at the earliest.

Mr. Clinton made a strong public appeal for the summit in July, in an address in San Francisco on his way to the Group of Seven summit in Tokyo. He invited labor and finance ministers from the G-7 countries to face what he called "a global crisis" — stubbornly high unemployment rates in several of the advanced industrial economies.

Western Europe, Mr. Clinton noted, was facing its highest unemployment rates since World War II, and the U.S. unemployment rate has remained at or just under 7 percent despite an economic recovery officially dating back to March 1991.

### Russian nuclear exercises include mock hit on U.S.

By Bill Gertz

Russia's military continues to modernize its huge nuclear force, and its new strategic nuclear forces recently conducted large-scale exercises that included a mock hit on the United States, according to U.S. defense and strategic weapons officials.

"In terms of military capability, Russian nuclear forces are a very close second to North America," said a Clinton administration official specializing in Russian nuclear forces.

The official said U.S.-Russian relations are much improved since the collapse of the Soviet Union in 1991. But certain events, such as a confrontation over a regional conflict, could lead to a nuclear showdown as in the past, the official said.

see RUSSIA, page A24

see ADAMS, page A24



# The Gorbachev Foundation/USA

## *Addressing the Needs of the Post Cold War World*

- Fostering international debate and cooperation on the vital contemporary issues confronting humanity.

- Providing humanitarian assistance to those adversely affected by political and social turbulence in the former Soviet Bloc.

- Redefining global security in a rapidly changing world.

- Promoting sustainable uses of the world's resources, and mitigating devastating human impact on our fragile environment.

---

Mikhail Gorbachev played a catalytic role in the extraordinary global changes of the last decade. His vision of glasnost and perestroika inspired the movement to democracy and the free market in the former Soviet Union, altering forever the strategic and political framework of global relations. His reforms initiated more social change with less violence than any similar movement in modern times.

In January of 1992, Mr. Gorbachev established the International Foundation for Socio-Economic and Political Studies in Moscow, known as the Gorbachev Foundation. The Gorbachev Foundation/USA was established concurrently in San Francisco to provide a focal point for individuals and institutions to carry-on the work of achieving a world based on humanitarian values and global cooperation.

The Gorbachev Foundation/USA (GF/USA) is a tax exempt, non-profit institute dedicated to social, political and geostrategic change in the post cold war era. Our current areas of activity include:

REDEFINING GLOBAL SECURITY: Working in conjunction with Mikhail Gorbachev and his Moscow staff and the Rajiv Gandhi Foundation in India, GF/USA is bringing together the world's leading experts to both discuss and recommend to the international community means by which our institutions, structures, and understandings of security can adapt to the new challenges facing humanity in the areas of nuclear proliferation, the architecture of global security, and conflict resolution.

ETHNIC CONFLICT and HUMANITARIAN ASSISTANCE: Following the demise of the cold war, the international community has experienced an unprecedented outbreak of ethnic and nationalistic crisis, causing untold suffering. The Gorbachev Foundation strives through the provision of emergency humanitarian assistance to promote political consensus within these destabilized regions and alleviate suffering to those affected by conflict.



## APPENDIXES

### APPENDIX I

Bilateral Arms Control Related Agreements Between the United States and the Soviet Union as of December 1979

	Signed	Entered Into Force
Hot Line Agreement	6/20/63	6/20/63
Hot Line Improvement and Modernization Agreement	9/30/71	9/30/71
Agreement on Measures To Reduce the Risk of Outbreak of Nuclear War	9/30/71	9/30/71
Agreement on Prevention of Incidents On and Over the High Seas	5/25/72	5/25/72
ABM Treaty	5/26/72	10/3/72
Interim Agreement on the Limitation of Strategic Offensive Arms	5/26/72	10/3/72
Memorandum of Understanding Regarding Establishment of a Standing Consultative Commission	12/21/72	12/21/72
Protocol to the ABM Treaty	7/13/74	5/24/76
Threshold Test Ban Treaty	7/13/74	
Treaty on the Limitation of Underground Nuclear Explosions for Peaceful Purposes	5/28/76	
Treaty on the Limitation of Strategic Offensive Arms	6/18/79	

### APPENDIX II

Status of Multilateral Arms Control Agreements as of December 31, 1979

	Antarctic Treaty	Limited Test Ban Treaty	Outer Space Treaty	Treaty Prohibiting Nuclear Weapons in Latin America	Nuclear Non Proliferation Treaty	Seabeds Arms Control Treaty	Geneva Protocol	Biological Weapons Convention	Environmental Modification Convention
Agreement Opened for Signature	12/1/59	8/5/63	1/27/67	2/14/67	7/1/68	2/11/71	6/17/25	4/10/72	5/18/77
Agreement Entered into Force	6/23/61	10/10/63	10/10/67	4/22/68	3/5/70	5/18/72	2/8/28	3/26/75	10/5/78
COUNTRY									
Afghanistan		P	S			P		P	
Algeria		S				P			
Argentina	P	S	P	S		S	P	P	
Australia	P	P	P		P	P	P	P	S
Austria		P	P		P	P	P	P	
The Bahamas		P	P	P	P				
Bangladesh					P		P		P
Barbados			P	P	S		P	P	
Belgium	P	P	P		P	P	P	P	S
Benin		P			P	S		P	S
Bhutan		P					P	P	
Bolivia		P	S	P	P	S		P	S
Botswana		P	S		P	P	P	S	
Brazil	P	P	P	S(1)		S	P	P	S
Bulgaria	P	P	P		P	P	P	P	P
Burma		P	P			S	P	S	
Burundi		S	S		P	S		S	
Byelorussian S S R		P	P			P		P	P

P - Party  
S - Signatory

For footnotes see p. 92

# APPENDIX II

Status of Multilateral Arms Control Agreements as of December 31, 1979 (continued)

	Antarctic Treaty	Limited Test Ban Treaty	Outer Space Treaty	Treaty Prohibiting Nuclear Weapons in Latin America	Nuclear Non-Proliferation Treaty	Seabeds Arms Control Treaty	Geneva Protocol	Biological Weapons Convention	Environmental Modification Convention
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Agreement Entered into Force	6/23/61	10/10/63	10/10/67	4/22/68	3/5/70	5/18/72	2/8/78	3/26/75	10/5/78

## COUNTRY

Tanzania	P								
Thailand	P		P		P		P	S	
Togo	P		S		P	P	P	P	
Tonga	P		P		P		P	P	
Trinidad & Tobago	P		S	P	S		P		
Tunisia	P		P		P	P	P	P	P
Turkey	P		P		S	P	P	P	S
Tuvalu					P				
U.K.	P	P	P	P(3) (2)	P	P	P	P	P
U.S.	P	P	P	P(2)(3)	P	P	P	P	P
U.S.S.R.	P	P	P	P(2)	P	P	P	P	P
Uganda		P	P				P	P	
Ukrainian S.S.R.		P	P			P		P	S
United Arab Emirates								P	P
Upper Volta		S	P		P		P	S	
Uruguay		P	P	P	P	S	P		
Venezuela		P	P	P	P		P	P	
Viet Nam (4)							P	P	

P — Party  
S — Signatory

For footnotes see p. 92

# APPENDIX II

Status of Multilateral Arms Control Agreements as of December 31, 1979 (continued)

	Antarctic Treaty	Limited Test Ban Treaty	Outer Space Treaty	Treaty Prohibiting Nuclear Weapons in Latin America	Nuclear Non-Proliferation Treaty	Seabeds Arms Control Treaty	Geneva Protocol	Biological Weapons Convention	Environmental Modification Convention
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## COUNTRY

Western Samoa		P			P				
Yemen (Aden)		P	P		P	P		P	P
Yemen (Sana)		S			S	S	P	S	P
Yugoslavia		P	S		P	P	P	P	
Zaire		P	S		P			P	S
Zambia		P	P			P	P		
Total	21P	110P	78P	22P	112P	67P	110P	86P	29P
		155	32S	3S	7S	30S	2S	15S	27S
				5P(2)					
				2P(1)					
				2S(1)					

P — Party  
S — Signatory

For footnotes see p. 92

1290

# The Washington Post

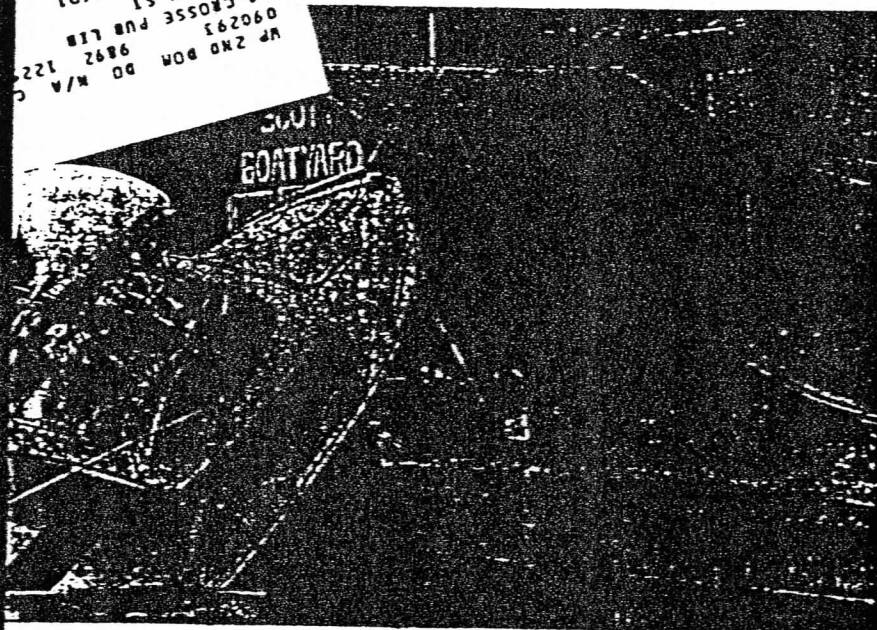
THURSDAY, SEPTEMBER 2, 1993

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Board at South's Boatyard near Buxton, N.C. The storm's eye passed 25 miles off Buxton before turning northeast, out to sea.

## One Spared Lives, if Not Livelihoods

### No Regrets in Md. and Va. as Resort Towns Sustained Little Damage

By David Montgomery  
Staff Writer

Sept. 1—The Mangle, Md., traded their sticky night in a agency shelter Tuesday indecous Hurricane had passed.

—Mom, Dad and three sleeping bags back in they were stuck, even with the storm.

—The storm caused no interest, except for the...  
...in Maryland and Del.

aware spent Tuesday night in at least six emergency shelters set up after officials urged voluntary evacuations of Ocean City, Dewey, Rehoboth and Bethany beaches. Officials estimated that many hundreds more took refuge in island motels with plans to return to the beaches when the hurricane had passed.

In Virginia, although the voluntary evacuation notice covered the borders of about 40,000 people and 4,000 hotel rooms, only about 600 people showed up Tuesday night at five emergency shelters in Virginia Beach.

The storm caused no interest, except for the...  
...in Maryland and Del.

By the way, the storm in Ocean City, the sea was rising. Lifeguards were at their stations on the reopened beaches. Businesses of E. and Frankenstein were starting down on T-shirt shoppers from the Wax Museum building.

See BEACHES, A16, Col. 1

By Mary Jordan  
Staff Writer

AVON, N.C., Sept. 1—"I'm ruined. I've been crying all morning," Carolyn Matthews said as she surveyed her fish shop, permeated today by the smell of \$5,000 worth of spoiled shrimp, clams and crabs. "I prayed all night that the shop would be spared, but it wasn't."

People survived, but much of their property did not as the edge of Hurricane Emily brushed the Outer Banks Tuesday night. One of the storm's most striking features appeared to be its very localized effects.

With no electricity or running water and some expected here until later this week, Matthews and hundreds of others on Hatteras Island spent the day shopping for food and salt water propelled into their homes and businesses, reflecting millions of dollars worth of damage.

To the south on the Outer Banks, from which more than 160,000 people and residents were evacuated ahead of Emily, the damage was less severe. In some places, the storm's path was visible, but the damage was not as severe.

Two miles from the destruction on Hatteras Island, the oceanfront was calm and looked untouched.

Emily, whose eye passed 25 miles off Buxton near the Cape Hatteras Lighthouse, later turned

See EMILY, A4, Col. 1

## Clinton Sets 1998 For Health Reform

### President Retreats From Price Controls

By Dana Priest  
Washington Post Staff Writer

President Clinton has set a 1998 deadline for full implementation of his health care reform plan and has retreated from the idea of short-term price controls, even voluntary ones, on the health industry in the meantime, according to White House officials.

That decision means that, under the administration proposal, all citizens and legal residents would have health insurance by the end of 1997.

While most of the costs of that "universal coverage" would be borne by employers and employees, the president also is finalizing details of a subsidy system to help low-wage workers in small firms pay for their health coverage. That provision could cost the federal government as much as \$70 billion a year. Aides said most of the funds could come from redirecting funds in existing federal and state health programs.

Those and other key decisions were made Tuesday night in the first of three scheduled high-level meetings among the president, Cabinet members and top health advisers. The meetings will determine the final shape of the plan Clinton is scheduled to present to a joint session of Congress later this month.

The plan, which will offer hundreds of changes in the way the nation's patchwork health care system operates, will be debated and voted on in Congress, where there is no consensus on either the degree of the health care problem or how best to solve it.

The outlines of the administration plan, much of which has been made public over the last several months, already have been criticized in some quarters as too ambitious and expensive and in others as too modest. Nonetheless, several large interest groups—including organized labor, senior citizens, many private health conditions, and health insurers and physicians—support many of the structural elements of the plan.

Among the major decisions Clinton made Tuesday night:

• The administration will drop the idea of mandatory short-term price controls on the health care industry and will not advocate voluntary

See HEALTH, A4, Col. 1

## Pentagon Issues Plan For Future

### Review Sets Out Modest Changes

By John Lancaster  
Washington Post Staff Writer

The Clinton administration's review of the military's future is much more modest than the one that preceded it. The review will set out the United States to fight and win two regional wars nearly at the same time.

The plan will make the military a more versatile force, with growing other capabilities, such as precision weaponry and air and sea capability. It also would place new emphasis on the importance of the military's role in the world, including the spread of nuclear weapons.

But release of the administration's "bottom-up" review—a six-month effort to rethink the shape and purpose of the post-Cold War military—was a sobering for what the plan would not change and what it would.

In many respects, the plan proposed only modest adjustments to the post-Cold War "base force" envisioned by the Bush administration. The Army would still rely heavily on armored infantry divisions, the Navy on carrier battle groups.

The mix of active-duty and reserve forces would not change. The plan would not change the number of troops in the military, but it would change the way they are used.

See MILITARY, A12, Col. 1

## Bosnian Peace Talks Break Down Over Boundaries

By Peter Maass  
Special to The Washington Post

GENEVA, Sept. 1—The Bosnian peace talks collapsed tonight after the Serb and Croat delegations refused to meet demands from the Muslim-led government for a bigger share of land in a proposed settlement that would divide the nation among its three warring factions.

The breakdowns risked prolonging a 17-month-old war that has already cost tens of thousands of lives and forced the West to abandon

prizing its Muslim, Serb and Croat communities.

The greatest danger facing Bosnia-Herzegovina is fragmentation, anarchy, warlords and chaos," warned a tired-looking David Owen, the European Community's mediator at the talks. "It's not that very far away."

Charles Redman, the special U.S. envoy to the talks, said, "It's a tragedy they could not come to a solution. They were very close to an agreement, but I accept Bosnian President Alija Izetbegovic's reasons."

officials blamed the Serbs for the breakdown, while Secretary of State Warren Christopher and national security adviser Anthony Lake met tonight to review U.S. options, staff writer Daniel Williams reported. "The stubbornness of the Serbs is the face of reasonable demands by the Muslims is responsible for the collapse," a State Department official said. "The Muslim demands do not strike us as things that ought to have broken off a deal."

In Geneva, Redman advised both the Serbs and Croats that the Mus-

limat adjustments" to the proposed division of Bosnia.

It was unclear whether this breakdown in the talks meant that there would be no future negotiations, but it was clearly a major setback in the months-old struggle by mediators to find a peaceful solution to the Balkan war.

As they left the U.N. headquarters at twilight, leaders of the three delegations expressed willingness to continue negotiations, but they also made it clear that they are prepared to continue fighting.





# Post-Cold War Plan Issued By Pentagon

MILITARY, From A1

formed personnel by 1998, compared with 1.6 million in 1990, the plan.

Some officials at President Clinton's White House would cost more than that of his predecessor. The plan makes clear, for example, that Clinton has embraced a de facto defense "industrial policy" aimed at maintaining the nation's ability to produce key defense technologies, in particular submarines. In other words, the administration is proposing to build submarines even if it does not want to keep production lines open.

The general results of the bottom-up review had been widely reported already, and the review yesterday—in the form of a briefing chart—was expected to be handed next week—contained few surprises.

But the unveiling at a news conference led by Defense Secretary Les Aspin and Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, constituted a critical opening gambit in the selling of the administration's long-term defense strategy.

The bottom-up review essentially forms the intellectual foundation of the administration's defense spending plans for the next five years. Consequently, it will become the focus of a Congress of debate between those who believe the administration is cutting too far and those who say the plan does not take full account of the changed global threat and is unaffordable in the long term.

Conspicuously absent from the



Defense Secretary Aspin, left, and Joint Chiefs of Staff Chairman Powell at a briefing on the "bottom-up review."

plan released yesterday was any discussion of its costs, although Pentagon officials said they are consistent with administration estimates last spring that their defense strategy would save \$127 billion beyond the Bush plan through fiscal 1998.

"It is a product of a comprehensive, broadly collaborative review based upon the real dangers that face America in the new era," Aspin said. "It has produced a 1998 mobile high-tech force, ready to protect American interests here."

The plan was developed by senior officials in Aspin's policy secretariat and military strategists on the Joint Chiefs of Staff. The reviewers, working in teams, considered virtually all major aspects of military policy, from health care for personnel to force structure in weapons procurement, Pentagon officials said.

Clinton, who has been kept apprised of the reviewers' work, approved the end product at a White House meeting earlier this week.

Many of the review's conclusions are not particularly startling. As a

starting point, for example, the reviewers identified four threats to national security: nuclear proliferation, regional conflicts, threats to democracy in the former Soviet Union and elsewhere, and a weak global economy. Those threats, in turn, became the basis for development of scenarios used to shape force structure and modernization plans.

In announcing the results yesterday, Pentagon officials said they had rejected a strategy considered early in their deliberations that anticipated fighting two regional wars essentially in succession rather than at the same time. Instead, they settled on a so-called win-win strategy, which anticipates nearly simultaneous attacks on Kuwait by Iraq and on South Korea by North Korea.

Powell emphasized that the scenario was chosen primarily for illustrative purposes and that planners have no way of knowing where the next threat to U.S. interests will occur.

However, he said, "Our best assessment was that these two areas

of the world pointed out for major regional contingencies are the two most likely and the two that would be the most devastating to our vital interests. We would like to do something about them."

The force structures that grew out of that exercise is less revolutionary than evolutionary. It refines but does not rewrite the key elements of the Bush administration's base force. Clinton, for example, would retain 11 carrier battle groups, plus the carrier battle group 10 Amphibious Ready Group and Air Force fighter wings. The Bush numbers were 11, 12 and 11, respectively.

Moreover, the Marine Corps would have better under Clinton, who wants to maintain troop strength at 174,000, while the Bush plan would have cut it to 160,000.

The boost for the Marines and the preservation of 11 carrier battle groups—Clinton originally favored 10—reflects the plan's emphasis on maintaining a formidable "overseas presence," Pentagon officials believe carriers and Marine amphibious groups are a cost-effective way

of "projecting power" and "showing the flag" at times of overseas.

The plan would spend \$100,000 troops in Europe, down from a 1980s peak of more than 300,000 and 1990 levels in East Asia at about 200,000, largely as a response to the North Korean threat.

The Bush base force also had as its strategic underpinning the goal of fighting and winning two nearly simultaneous wars. Aspin said the new version would preserve the capability to do the same thing with somewhat smaller forces by relying on "strategic" weapons.

Those include prepositioning weapons, fuel and ammunition in Third World hot spots; improved air and sealift capacity; and new anti-armor weapons designed to stop enemy tank invasions before introduction of U.S. ground troops. The mix of active-duty and reserve forces fundamentally would not change, although steps would be taken to improve "combat readiness" of the Army, National Guard and Reserve, Aspin said.

Another official element of the plan is its emphasis on maintaining

a modern, high-tech arsenal. Several key weapons would be canceled under the plan, including the Navy's planned AFX attack ship and the Air Force's experimental fighter. But the plan would continue development of the Air Force's next-generation fighter, the F-22, and embark on developing state-of-the-art aircraft, aircraft components and components that would drive both the Air Force and Navy.

The idea, Pentagon officials said, is to achieve as much "commonality" as the different missions will allow, thereby saving billions over the long term.

Powell was one of the authors of Bush's base force plan and, before Clinton's election, its most ardent defender. Yesterday, Powell said the base force had "served its purpose as a transitional concept."

But he also acknowledged its weaknesses to Clinton. "The strategy underpinning is quite similar... because the world looks quite similar to us whether you're wearing base force eyes or bottom-up review eyes," Powell said.

## PROPOSED U.S. FORCE STRUCTURE

Force		FY '93	Proposed levels by FY '99	Change
Army				
	Active divisions	14	10	-4
	National Guard divisions	8	5	-3
Navy				
	Amphibious carriers	11	11	0
	Air wings, active and reserve	23	23	0
	Attack submarines	34	34	0
	Fast attack subs	174,000	174,000	0
	Naval aviation	42,000	42,000	0
Air Force				
	Reserves	28	20	-8
	Fighter wings	28	20	-8
Strategic weapons				
	Ballistic missile subs	28	28	0
	ICBM	787	800	+13

\* Includes a single training carrier

SOURCE: Briefing paper from Defense Secretary Les Aspin, Joint Chiefs Committee on Defense, 1992

\* Includes a single training carrier  
SOURCE: Briefing paper from Defense Secretary Les Aspin, Joint Chiefs Chairman Gen. Colin L. Powell

## Hill Battle Expected Over Military Repairs

Aspin Seeks Greater Share for Defense Firms

By John Mints  
Washington Post Staff Writer

A fierce struggle is expected later this month when dozens of members



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# Los Angeles Times

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## Kremlin Leader's Fresh Start

# Rumbles of Change Stir Soviet Union

By DAN FISHER and WILLIAM J. EATON, Times Staff Writers

MOSCOW—Like a vast, frozen Siberian river cracking and groaning with the first thaw, the Soviet Union, as it turns 70, is rumbling with the promise of change.

And what follows now as the Soviet Union could be as dangerous as a flash flood, as promising as spring, or as anti-climatic as a few cold snaps that freeze the river solid once more.

The program that Soviet leader Mikhail S. Gorbachev has laid out for his country calls for restructuring not only the economy but virtually every aspect of national life.

Its goal is to end a generation of national stagnation at which little

the first five-year plan at the end of the 1920s.

What Gorbachev has set out to do is to alter fundamentally the way in which the ruling Communist Party manages Soviet society, starting with relaxation of the rigidly centralized Stalinist economic system that has survived with little significant alteration to this day.

Instead of responding to what some central planner thinks is needed, factories have been told to rely more on the basic laws of supply and demand. And there is now a place for private—or, as the Soviet authorities prefer to call it, "individual"—enterprise. The idea is to give more authority to talented professionals and entrepreneurs and less to loyal but unimaginative bureaucrats.

To effect change, Gorbachev is chipping away at some of the self-imposed barriers to Western thought that have kept this one of the world's most isolated societies since the days of the czars.

In a way, Gorbachev is trying to start over—not in the sense of questioning the results of the 1917 Bolshevik Revolution, which founded the Soviet state, or by giving up on Leninism, the driving force and philosophy behind the state, but in discarding some of the worst features of the Stalinist model that came to be identified as Soviet-style socialism. He is, in essence, rethinking the revolution.

### 'Year of the Great Turn'

"Nineteen twenty-nine was really the year of the great turn... like a watershed between the implementation of socialism according to Lenin and according to Stalin," said Yuri N. Afanasyev, director of Moscow's Institute of Historical Archives. A Gorbachev supporter, Afanasyev has been providing some of the all-important ideological underpinning for the Soviet leader's program.

Gorbachev has made clear that this new Russian revolution will take a lot longer than the one 70 years ago.

Please see SOVIET, Page 38

## REMAKING THE REVOLUTION

Gorbachev's Gamble



except the Soviet military kept up with the West to bring a country into the modern world of supercomputers and industrial robots, and perhaps what is most important, to revive what is now considered to be the tarnished dream of creating a model that other societies might find worth emulating.

There's the Bolshevik Revolution and there's restructuring," Gorbachev told a street crowd in Minsk, a few weeks ago. "Restructuring is a revolution without shooting," the Kremlin chief added. "But it's a deep and serious one."

Indeed, European and American analysts once convinced that Gorbachev's reforms amounted merely to a public relations campaign to nullify the West and complacency have changed their tune. Now they describe him as the most far-reaching peacetime program for political and social change since the late dictator Josef Stalin introduced



## A Land of Contrasts

As varied as it is immense, the Soviet Union affords a wealth of contrasts. Above, a teen-age boy stands out among the "debushkas" in a Russian Orthodox church in Irkutsk. Workers, at left, in a Moscow suburb repair trolley tracks with hand tools. Evidence of emerging artistic flexibility is the exhibit, below left, by Novosibirsk artist Sergei Mosenkko, with daughter Kristina, of caricatures of political leaders. A kindergarten pupil in Irkutsk, below, in traditional costume.

WES SCHNEIDER and ROBERT GILLETTE  
Los Angeles Times



## But He Continues to Cast a Shadow Over '88 Contenders

# To Cuomo, Running's Still a No-No

By JOHN J. GOLDMAN,  
Times Staff Writer

NEW YORK—It was a mandatory ritual of New York politics, but for Mario M. Cuomo, it was a ritual of another sort.

Fresh from attending his daughter's wedding, the governor of New York stood amid a marching band at the head of the Columbus Day parade on 5th Avenue. As Cuomo insisted yet again to a crowd of reporters that he is not a candidate for the Democratic presidential nomination, spectators shouted, "Run, Mario, Run!"

Cuomo's reluctance to move toward St. Patrick's Cathedral, offered encouragement for a convention draft. "We should select Mario Cuomo," Koch said, praising the governor quickly battled away with banter.

From Moscow to Manhattan to California—wherever he goes—Mario Matthew Cuomo sprinkles political demise like a reluctant Johnny Appleseed. The other day, in Rochester, N.Y., he even joked that his own mother doesn't believe he isn't thinking of running. A couple of days later, using his 86-year-old mother as a leading lady of apoplexy, he quipped to a delighted audience: "My mother said, 'Stay out of office.'"

Still, a serious fact remains: Despite his professed lack of interest in the White House, Cuomo continues to cast a long shadow over the



Gov. Mario Cuomo

formal Democratic presidential field—a shadow that could grow even larger if the economy seriously falters. He has emerged as an important conscience of the Democratic Party.

"When I am outside of D.C., the only thing that people around the country want to know is, 'Do you think there is a chance that Cuomo can get into it?'" said Harrison Holtzman, a Democratic political pollster, in a view seconded by many other political consultants. "He is the one person in America on the Democratic side who could rewrite the rules of the standard campaigning process."

change when the primaries actually begin.

"When all these people start winning in Iowa and New Hampshire, they will become celebrities too," he said. "They will get their name on the cover of Newsweek, on the cover of Time, on the cover of U.S. News & World Report. They will get eight days in a row on national television and you will be back to Cuomo... what was his name?"

But for the moment at least, there is a deep longing among many Democrats for someone else, whether Cuomo, or Sen. Bill Bradley, or Gov. George Bush, or Sen. Dan Quayle. But Bradley and Quinn have said that they will not run in the primaries and are not candidates for President.

In an interview with The Times, Cuomo admitted that theoretically it would be possible for him to accept a draft, run for President and still manage New York State.

The exigencies of governing, especially during the legislative session and budgetary process, which he has stressed preclude entering primaries, would not come into play during the general election.

"If you would go from the convention on, you would be in the Roosevelt position," Cuomo said. "It would mean from July 18 to November 18, which is theoretical."

Please see CUOMO, Page 9

## 'Star Wars' Sticking Point Delays U.S.-Soviet Summit

MOSCOW (AP)—Mikhail S. Gorbachev could not get the United States to limit the West's nuclear arsenal and extend the period for a summit with President Reagan to sign a ban on medium-range nuclear missiles.

Secretary of State George P. Shultz delivered the news after two days of talks with the Soviet leader and other top Soviet officials, then left for Brussels to brief the NATO allies.

Shultz and Edward A. Shevardnadze, the Soviet foreign minister, said the superpowers were close but could not quite agree on final details of a treaty to scrap the medium- and short-range missiles.

"We have made progress through some of the difficult issues," Shultz said at a news conference. "We are, I think, both sides agree, virtually there."

He said the superpowers still are hung up on verification procedures, but differences over the U.S. space-based missile defense shield was the chief obstacle.

"Gorbachev is apparently not yet satisfied, partly in the area of space defense," Shultz said.

The issue also has come up in talks on reducing strategic, or long-range, nuclear forces. Gorbachev agreed in February to separate those talks from negotiations on intermediate weapons.

Shevardnadze said agreement on intermediate-range weapons was "beyond doubt" and that a draft treaty could be prepared in two or three weeks.

He said Gorbachev proposed a memorandum beginning Nov. 1 on production, testing and deployment

Please see SUMMIT, Page 18

## Ill-Equipped for Gulf War Navy Find

# Supercarriers To A-Subs Irrelevant Fighting Iran F

By MELISSA HEALY,  
Times Staff Writer

WASHINGTON—For the Navy has commissioned studies and picked the best could find on "low-intensity conflicts," the less-than-ideal that erupt when superpowers come militarily engaged.

Yet in many ways—the studies and after apportion to build toward a fleet—the Navy finds no need to handle just such missions in the Persian Gulf some naval specialists by Navy's problems with his force have grown grimmer, as a result is encouraged by the Reagan administration.

Supercarrier armadas to use in the Gulf's cramped Nuclear submarine fleet, even there. Even the Navy's smaller warships versatility and self-defense abilities needed to operate Iran's seagoing guerrillas, running serious risks.

### Emphasis on Carriers

And the Navy's love of the carriers, which has been a centerpiece of its offensive strategies, has left the ac of the kinds of equipment training it needs more for activity in the Persian Gulf sweeping, helicopter or special operations.

"This kind of warfare is not our strength," says top Navy official. "It's a cak. It's a relatively to force. And we're just not that kind of warfare."

In part, defense experts in the inevitable role Navy's focus on its primary mission, deterring nuclear testing, ocean supply in rope in the event of a war and—under the Reagan tradition—preparing to strike North Atlantic sanctions between the superpowers.

### May Prove Vulnerable

But other factors, too, harder to justify, are the Navy's troubles, experts say. The result is that U.S. forces may prove vulnerable to the far less sophisticated Iran.

One persistent problem the Navy's historic no blue-water, go-it-alone has made it react with attitude that has been troublesome in places called "special operations."

Early this month, that drove Adm. William J. Crowl, chairman of the Joint Staff, to override Navy and order the Marine Corps accept Army special helicopters. There, he quickly scored two of 1

Please see GULF, Page 10



Continued from Page 1

Hyperion plant from flooding. The reservoir overflowed and filled the sewage into Ballona Creek, which empties into the ocean just south of Marina del Rey. Sanitation workers said the sewage washed out to sea.

Chlorine was added by sanitation workers to kill bacteria that could threaten public health. But the runoff did not undergo the usual treating treatment given to sewage when it reaches the Hyperion plant.

Sanitation officials said the heavy runoff of rainwater down Ballona Creek—the main natural drain draining the Westside of Los Angeles—had diluted the sewage so there would be no health danger to people.

County health spokesman Steve Stewart said that bacterial tests on water collected in Santa Monica Bay would not be able to detect the

sewage impact until after the runoff ends. He said the runoff would simply pick up the high bacteria levels that occur after a major rainfall when the runoff from contaminated storm drains flows unchecked into the ocean.

Nonetheless, Stewart said, the warning signs were posted on beaches as a precaution because of "intense" public concern about sewage spills.

After earlier spills, some critics complained that the Health Department was slow to notify residents and beach users of possible dangers. Stewart said health officials decided this time to err on the side of caution. "We just feel it's more prudent to post," Stewart said.

The Friday spill occurred just two days after state Atty. Gen. John K. Van De Kamp filed a lawsuit against the city of Los Angeles that could hold officials responsible for \$100 million in

damages for earlier sewage spills.

The city and the County of Los Angeles Council are already under a federal court order to clean up the city's discharges of sewage into the bay. For several decades the city has disposed of its sewage in submarine canyons offshore from Los Angeles International Airport, but state officials and the federal Environmental Protection Agency have been trying to get the city to reduce the dumping for more than a decade.

Under a settlement reached in federal court last year, the city paid a \$625,000 fine and agreed to stop dumping sludge—the blackish goo that is left when most water is removed from sewage—in the bay at the end of this year.

The sewage controversy has cost Bradley some political support among environmental groups and liberals, who blame the mayor for stalling and permitting growth to outstrip the sewer system's capacity.

Activists, in conjunction with the city, have begun preparing to campaign for a city-wide ballot measure to limit growth if the sewage troubles continue. They are trying to qualify the measure for the November, 1988, ballot.

Hayden said Friday that the latest spill could have been avoided if the city had agreed to requests that it build a much larger reservoir than the one that overflowed. "They didn't build a holding pond big enough to handle this much (rain)," Hayden said.

The reservoir was added after the city was fined \$30,000 by the state Regional Water Quality Control Board for a 1985 spill that was also traced to rainfall flooding the sewers.

The spill Friday was reported to the state agency, which has levied a series of fines against the city for sewage spills in recent years.

determined that Wayne had a blood alcohol level of .04—the level of a person who is legally intoxicated under Federal Aviation Administration regulations.

The autopsy was performed by the Orange County Sheriff-Coroner's Department. Wayne flew for radio stations KFI and KOST.

The NTSB report, prepared by a team of investigators, does not speculate on the cause of the crash or whether alcohol played a role.

Man Asleep Between Rails

Survives Train's Backlash

ANCHORAGE, Alaska (AP)—A man asleep between the rails of the Alaska Railroad route to Seward survived after being run over by five locomotives and two coal cars, paramedics said. Alexander Paulsen, 21, of Anchorage was in stable condition Friday at Alaska Native Hospital, suffering from deep cuts and bruises over most of his body, a spokeswoman said.

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**Los Angeles Times**

10/24/87

## Former Compton Councilman, Wife Arrested in False Loan Deals

By KIM MURPHY, Times Staff Writer

A former Compton City Council member and publisher of the weekly Pasadena Gazette and the Los Angeles Metropolitan Gazette was arrested Friday on charges of falsifying loan applications and lying to a federal grand jury.

Hillard Hamm, president of the West Coast Black Publishers Assn., was taken into custody by U.S. marshals with his wife, Beverly, during the group's convention in San Francisco. His wife is charged with conspiracy and making false loan statements.

A federal grand jury indictment turned Thursday alleges that the couple obtained more than \$40,000 from a variety of Southern California banks by submitting false names and income tax returns with their loan applications.

The indictment also charges

Hamm, 60, with lying to the grand jury about his connections with John DeMatilla, one of 15 alleged mobsters arrested in a recent federal crackdown on organized crime in Los Angeles.

### Allegations in Indictment

According to the indictment, Hamm told the grand jury that he had never met or dealt with DeMatilla. But according to the indictment, federal investigators have evidence that DeMatilla may have assisted Hamm in obtaining loans from Sun West Bank.

The indictment reveals that the grand jury is investigating whether DeMatilla introduced Hamm to Donald Hinrichsen, a lending officer at Sun West Bank; whether Hamm paid DeMatilla in return for his assistance in obtaining a loan

from the bank and whether DeMatilla in return paid Hinrichsen for approving the loan.

Hamm is also charged with perjury in connection with allegedly false statements he made to the grand jury denying that he had dealt with Hinrichsen.

An attorney for another witness called before the grand jury to testify about Sun West Bank loans said that up to \$1 million in loans made by the bank are under investigation.

The current indictment, however, is targeted only at false applications Hamm and his wife allegedly submitted and involves loans made by a variety of banks, including Sun West, Far Western Bank, First Arroyo Bank and Great Western Savings.

Hamm was elected to the Compton City Council in 1975, but re-

signed a year later after his conviction with another councilman on charges of extorting \$40,000 from a business partnership that owned land in the city.

He was sentenced to three years in prison and a \$10,000 fine.

Officials from the Los Angeles Organized Crime Strike Force, which conducted the latest investigation, said Hamm faces up to 18 years in prison and a \$40,000 fine on the new charges. His wife faces 13 years' imprisonment and a \$30,000 fine.

Both were arrested Friday morning at the Westin St. Francis Hotel in San Francisco during the black publishers' convention there and were brought before a federal magistrate.

Bail was set at \$100,000 for Hamm and \$25,000 for his wife.

OCTOBER

24 1987

LA Times



GORBACHEV PERESTROIKA

# MIKHAIL GORBACHEV PERESTROIKA

New Thinking for  
Our Country and  
the World

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# PERESTROIKA

*New Thinking for  
Our Country and the World*



*A Cornelia & Michael Bessie Book*

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London, Mexico City, São Paulo, Singapore, Sydney



short, *we need broad democratization of all aspects of society.* That democratization is also the main guarantee that the current processes are irreversible.

We know today that we would have been able to avoid many of these difficulties if the democratic process had developed normally in our country.

We have learned this lesson of our history well and will never forget it. We will now firmly stick to the line that only through the consistent development of the democratic forms inherent in socialism and through the expansion of self-government can we make progress in production, science and technology, culture and art, and in all social spheres. This is the only way we can ensure conscious discipline. Perestroika itself can only come through democracy. Since we see our task as unfolding and utilizing the potential of socialism through the intensification of the human factor, there can be no other way but democratization, including reform of the economic mechanism and management, a reform whose main element is promotion of the role of work collectives.

It is exactly because we place emphasis on the development of socialist democracy that we pay so much attention to the intellectual sphere, public consciousness and an active social policy. Thereby we want to invigorate the human factor.

In the West, Lenin is often portrayed as an advocate of authoritarian methods of administration. This is a sign of total ignorance of Lenin's ideas and, not infrequently, of their deliberate distortion. In effect, according to Lenin, socialism and democracy are indivisible. By gaining democratic freedoms the working masses come to power. It is also only in conditions of expanding democracy that they can consolidate and realize that power. There is another remarkably true idea of Lenin's: the broader the scope of the work and the deeper the reform, the greater the need to increase the interest in it and convince millions and millions of people of its necessity. This means that if we have set out for a radical and all-round restructuring, we must also unfold the entire potential of democracy.

It is essential to learn to adjust policy in keeping with the way it is received by the masses, and to ensure feedback, absorbing the ideas, opinions and advice coming from the people. The masses suggest a lot of useful and interesting things which are not always clearly

perceived "from the top." That is why we must prevent at all costs an arrogant attitude to what people are saying. In the final account the most important thing for the success of perestroika is the people's attitude to it.

Thus, not only theory but the reality of the processes under way made us embark on the program for all-round democratic changes in public life which we presented at the January 1987 Plenary Meeting of the CPSU Central Committee.

The Plenary Meeting encouraged extensive efforts to strengthen the democratic basis of Soviet society, to develop self-government and extend glasnost, that is openness, in the entire management network. We see now how stimulating that impulse was for the nation. Democratic changes have been taking place at every work collective, at every state and public organization, and within the Party. More glasnost, genuine control from "below," and greater initiative and enterprise at work are now part and parcel of our life.

The democratic process has promoted the entire perestroika, elevated its goals and has made our society understand its problems better. This process allowed us to take a wider view of economic issues, and put forward a program for radical economic reforms. The economic mechanism now well fits the overall system of social management which is based on renewed democratic principles.

We did this work at the June 1987 Plenary Meeting of the CPSU Central Committee, which adopted "Fundamentals of Radical Restructuring of Economic Management." Perhaps this is the most important and most radical program for economic reform our country has had since Lenin introduced his New Economic Policy in 1921. The present economic reform envisages that the emphasis will be shifted from primarily administrative to primarily economic management methods at every level, and calls for extensive democratization of management, and the overall activization of the human factor.

The reform is based on dramatically increased independence of enterprises and associations, their transition to full self-accounting and self-financing, and granting all appropriate rights to work collectives. They will now be fully responsible for efficient management and end results. A collective's profits will be directly proportionate to its efficiency.

In this connection, a radical reorganization of centralized economic



(C) 1987

## PERESTROIKA

management is envisaged in the interests of enterprises. We will free the central management of operational functions in the running of enterprises and this will enable it to concentrate on key processes determining the strategy of economic growth. To make this a reality we launched a serious radical reform in planning, price formation, the financial and crediting mechanism, the network of material and technological production supplies, and management of scientific and technological progress, labor and the social sphere. The aim of this reform is to ensure—within the next two or three years—the transition from an excessively centralized management system relying on orders, to a democratic one, based on the combination of democratic centralism and self-management.

The adoption of fundamental principles for a radical change in economic management was a big step forward in the program of perestroika. Now perestroika concerns virtually every main aspect of public life. Of course, our notions about the contents, methods and forms of perestroika will be developed, clarified and corrected later on. This is inevitable and natural. This is a living process. No doubt, changes will pose new major problems which will require unorthodox solutions. But the overall concept, and the overall plan of perestroika, not only from the point of view of substance, but also of its component parts, are clear to us.

Perestroika means overcoming the stagnation process, breaking down the braking mechanism, creating a dependable and effective mechanism for the acceleration of social and economic progress and giving it greater dynamism.

**Perestroika means mass initiative. It is the comprehensive development of democracy, socialist self-government,** encouragement of initiative and creative endeavor, improved order and discipline, more glasnost, criticism and self-criticism in all spheres of our society. It is utmost respect for the individual and consideration for personal dignity.

Perestroika is the all-round intensification of the Soviet economy, the revival and development of the principles of democratic centralism in running the national economy, the universal introduction of economic methods, the renunciation of management by injunction and by administrative methods, and the overall encouragement of innovation and socialist enterprise.

## ORIGINS, ESSENCE, REVOLUTIONARY CHARACTER

Perestroika means a resolute shift to scientific methods, an ability to provide a solid scientific basis for every new initiative. It means the combination of the achievements of the scientific and technological revolution with a planned economy.

**Perestroika means priority development of the social sphere aimed at ever better satisfaction of the Soviet people's requirements for good living and working conditions, for good rest and recreation, education and health care.** It means unceasing concern for cultural and spiritual wealth, for the culture of every individual and society as a whole.

**Perestroika means the elimination from society of the distortions of socialist ethics,** the consistent implementation of the principles of social justice. It means the unity of words and deeds, rights and duties. It is the elevation of honest, highly-qualified labor, the overcoming of leveling tendencies in pay and consumerism.

This is how we see perestroika today. This is how we see our tasks, and the substance and content of our work for the forthcoming period. It is difficult now to say how long that period will take. Of course, it will be much more than two or three years. **We are ready for serious, strenuous and tedious work to ensure that our country reaches new heights by the end of the twentieth century.**

We are often asked what we want of perestroika. What are our final goals? We can hardly give a detailed, exact answer. It's not our way to engage in prophesying and trying to predestinate all the architectural elements of the public building we will erect in the process of perestroika.

But in principle I can say that the end result of perestroika is clear to us. It is a thorough renewal of every aspect of Soviet life; it is giving socialism the most progressive forms of social organization; it is the fullest exposure of the humanist nature of our social system in its crucial aspects—economic, social, political and moral.

I stress once again: perestroika is not some kind of illumination or revelation. To restructure our life means to understand the objective necessity for renovation and acceleration. And that necessity emerged in the heart of our society. **The essence of perestroika lies in the fact that it unites socialism with democracy and revives the Leninist concept of socialist construction both in theory and in practice.** Such is the essence of perestroika, which accounts for its genuine revolutionary spirit and its all-embracing scope.

The goal is worth the effort. And we are sure that our effort will be a worthy contribution to humanity's social progress.

### *More Socialism and More Democracy*

**Perestroika is closely connected with socialism as a system.** That side of the matter is being widely discussed, especially abroad, and our talk about perestroika won't be entirely clear if we don't touch upon that aspect.

Does perestroika mean that we are giving up socialism or at least some of its foundations? Some ask this question with hope, others with misgiving.

There are people in the West who would like to tell us that socialism is in a deep crisis and has brought our society to a dead end. That's how they interpret our critical analysis of the situation at the end of the seventies and beginning of the eighties. We have only one way out, they say: to adopt capitalist methods of economic management and social patterns, to drift toward capitalism.

They tell us that nothing will come of perestroika within the framework of our system. They say we should change this system and borrow from the experience of another socio-political system. To this they add that, if the Soviet Union takes this path and gives up its socialist choice, close links with the West will supposedly become possible. They go so far as to claim that the October 1917 Revolution was a mistake which almost completely cut off our country from world social progress.

To put an end to all the rumors and speculations that abound in the West about this, I would like to point out once again that we are conducting all our reforms in accordance with the socialist choice. We are looking within socialism, rather than outside it, for the answers to all the questions that arise. We assess our successes and errors alike by socialist standards. Those who hope that we shall move away from the socialist path will be greatly disappointed. Every part of our program of perestroika—and the program as a whole, for that matter—is fully based on the principle of more socialism and more democracy.

More socialism means a more dynamic pace and creative endeavor,

more organization, law and order, more scientific methods and initiative in economic management, efficiency in administration, and a better and materially richer life for the people.

**More socialism means more democracy,** openness and collectivism in everyday life, more culture and humanism in production, social and personal relations among people, more dignity and self-respect for the individual.

**More socialism means more patriotism and aspiration to noble ideals,** more active civic concern about the country's internal affairs and about their positive influence on international affairs.

**In other words, more of all those things which are inherent in socialism and in the theoretical precepts which characterize it as a distinct socio-economic formation.**

We will proceed toward better socialism rather than away from it. We are saying this honestly, without trying to fool our own people or the world. Any hopes that we will begin to build a different, non-socialist society and go over to the other camp are unrealistic and futile. Those in the West who expect us to give up socialism will be disappointed. It is high time they understood this, and, even more importantly, proceeded from that understanding in practical relations with the Soviet Union.

Speaking so, I would like to be clearly understood that though we, the Soviet people, are for socialism (I have explained above why), we are not imposing our views on anyone. Let everyone make his own choice; history will put everything in its place. Today, as I told a group of American public figures (Cyrus Vance, Henry Kissinger and others), we feel clearly as never before that, due to the socialist system and the planned economy, changes in our structural policy come much easier for us than they would in conditions of private enterprise, although we do have difficulties of our own, too.

→ **We want more socialism and, therefore, more democracy.**

As we understand it, the difficulties and problems of the seventies and eighties did not signify some kind of crisis for socialism as a social and political system, but rather were the result of insufficient consistency in applying the principles of socialism, of departures from them and even distortions of them, and of continued adherence to the methods and forms of social management that arose under specific historical conditions in the early stages of socialist development.

On the contrary, socialism as a young social system, as a way of living, possesses vast possibilities for self-development and self-perfection that have yet to be revealed, and for the solution of the fundamental problems of contemporary society's scientific, technological, economic, cultural and intellectual progress, and of the development of the human individual. This is indicated by the path our country has taken since October 1917, a path that has been full of innumerable difficulties, drama and strenuous work, and at the same time full of great triumphs and accomplishments.

### *Lessons of History*

It is true to say that post-revolutionary development underwent difficult stages, largely due to the rude meddling of imperialist forces in our internal affairs; policy mistakes and miscalculations also occurred. Nevertheless, the Soviet Union progressed, and a society has been created in which people have confidence in their future. And it is the guide, any objective observer must admit that Soviet history is in general a history of indisputable successes, despite the losses, setbacks and failures. We advanced in the absence of roads, literally and figuratively: we would sometimes go astray and make mistakes, and more than enough blood was shed and sweat lost along our path. But we stubbornly marched on and never thought of retreating, of giving up the ground we had gained, or of questioning our socialist choice.

And it's hard to imagine that, as we marched into an unknown future, completing ambitious tasks within a short period of time, we could have avoided setbacks, that we could have had it all as smooth as the sidewalk of Nevsky Prospekt.<sup>1</sup> Take, for example, industrialization. In what conditions did we accomplish it? The Civil War and intervention by fourteen foreign powers<sup>2</sup> had left the country

<sup>1</sup> Nevsky Prospekt (Avenue) in Leningrad is the city's main thoroughfare. It follows an absolutely straight path and is used in the Russian language as a metaphor to characterize those who think that social development can follow the same kind of path.

<sup>2</sup> The Civil War and foreign intervention (1918-22)—the Soviet Republic's struggle against the counter-revolution and the invasion of parts of its territory by British, French, US, German, Japanese, Polish and other foreign troops (in all, fourteen countries participated in the invasion).

completely devastated. There was an economic blockade and a "cordon sanitaire." No accumulations, no colonies; on the contrary, it was essential to use the money available for improving the national hinterlands that had been oppressed under tsarism. In order to save the revolutionary gains, we had to build—and quickly—a national industrial base with our internal resources, holding down consumption and reducing it to a minimum. The material burden of that new construction fell on the people, of whom the peasants formed the bulk.

In effect, we had to build up industry, especially heavy industry and the power and machine-building industries, from scratch. And we set out boldly to accomplish this task. The viability of the Party's plans, which the masses understood and accepted, and of the slogans and projects permeated with the ideological energy of our revolution manifested itself in the enthusiasm with which millions of Soviet people joined in the efforts to build up national industry. And that enthusiasm astounded the world. Under incredibly trying conditions, often far away from their homes, usually without any machinery, and half-fed, they worked wonders, so to say, out of nothing, from scratch. They drew inspiration from the fact that theirs was a great and historic cause. Although not very literate, they realized what a grand and unique job they were doing. That was truly a great feat in the name of their motherland's future and a demonstration of the people's loyalty to the free choice which they had made in 1917.

Our fathers and grandfathers overcome everything that befell them and made a crucial contribution to the development and consolidation of our society at a time when its entire future had to be decided.

Industrialization in the twenties and thirties really was a very hard trial. But let's now, with hindsight, try to answer the question: Was it necessary? Could such a vast country as ours have lived in the twentieth century without being an industrially developed state? There was another reason that also very soon made it clear that we had no option but to speed up industrialization. As early as 1933 the threat of fascism began to grow swiftly. And where would the world now be if the Soviet Union had not blocked the road for Hitler's war machine? Our people routed fascism with the might created by them in the twenties and thirties. Had there been no industrialization, we would have been unarmed before fascism.



economic and social achievements, there was also a new life, there was the enthusiasm of the **builders of a new world**, an inspiration from things new and unusual, ~~a keen feeling of pride that we alone, unassisted and not for the first time, were raising the country on our shoulders. People thirsted for knowledge and culture and mastered them. They rejoiced at life, reared their children, and did their day-to-day chores. All this we did in an entirely new atmosphere which differed greatly from what had been before the Revolution, in an atmosphere of ease, equality and immense opportunities for the working people. We know very well what we received from socialism. In short, people lived and worked creatively at all stages of the peaceful development of our country. Letters which I receive from my compatriots say proudly: sure, we were poorer than others, but our life was more full-blooded and interesting.~~

Fourteen out of fifteen citizens living in the USSR today were born after the Revolution. And we are still being urged to give up socialism. Why should the Soviet people, **who have grown and gained in strength under socialism, abandon that system? We will spare no effort to develop and strengthen socialism. I think that a minimum of the new system's potential has been tapped so far.**

This is why we find strange proposals—some even sincere—to alter our social system and turn to methods and forms typical of a different social set-up. People who make such suggestions do not realize that this is just impossible even if there were someone wishing to turn the Soviet Union to capitalism. Just think: how can we agree that 1917 was a mistake **and all the seventy years of our life, work, effort and battles were also a complete mistake, that we were going in the "wrong direction"?** No, a strict and impartial view of the facts of history suggests only one conclusion: **it is the socialist option that has brought formerly backward Russia to the "right place"**—the place the Soviet Union now occupies in human progress.

We have no reason to speak about the October Revolution and socialism in a low voice, as though ashamed of them. **Our successes are immense and indisputable.** But we see the past in its entirety and complexity. Our most tremendous achievements do not prevent us from seeing contradictions in the development of our society, our errors and omissions. And our ideology itself is critical and revolutionary by nature.

And when we seek the roots of today's difficulties and problems we do this in order to comprehend their origin and to draw lessons for present-day life from events that go deep into the 1930s.

The most important thing now for us in the past history is that through comprehension of it we come to perceive the origins of perestroika. Our history shaped up under a strong influence of attendant factors. But it is our history, and the sources of perestroika lie in it.

But why did everything that made perestroika necessary happen? Why has it been delayed? Why did the obsolete methods of work persist so long? How did the dogmatization of social consciousness and theory occur?

All this needs explanation. And, in analyzing and explaining, we find much proof that the Party and society saw the negative processes growing. Furthermore, awareness of a need for change acutely manifested itself more than once. But the changes did not go all the way and were inconsistent under the weight of the "legacy of the past" with all its dominant attributes.

A major landmark in our history was the 20th CPSU Congress<sup>1</sup>. It made a great contribution to the theory and practice of socialist construction. During and after, a great attempt was made to turn the helm in the country's advance, to impart an impulse to liberation from the negative aspects of socio-political life engendered by the Stalin personality cult.

The decisions taken by the Congress helped through major political, economic, social and ideological measures. But the possibilities that emerged were not used to the full. The explanation is the subjectivist methods adopted by the leadership under Khrushchev. Economic management was dominated by improvisation. That leadership's wilful and changing ideas and actions kept society and the Party in a fever. Ambitious and unfounded promises and predictions again produced a gap between words and deeds.

That was why at the next stage, whose hallmark was the October

<sup>1</sup> The 20th Congress of the CPSU was held in Moscow on 14–25 February 1956. The Congress approved the Directives for the Sixth Five-Year Plan for the country's economic development for 1956–60, spelled out the principle of peaceful coexistence between states with different social systems as it applies to the current epoch, and condemned the personality cult of Stalin and its consequences.

1964 Plenary Meeting of the CPSU Central Committee<sup>1</sup>, the first step was to overcome these extremes and to combat these extremes. A line towards stabilization was taken. And it was a well-justified line. It received the support of the Party and the people. Some positive results appeared. The decisions that were formulated and adopted were more considered and better substantiated. The start of the economic reform of 1965<sup>2</sup> and the March 1965 Plenary Meeting of the Central Committee devoted to agriculture were major initiatives aimed at positive changes in the economy. But, having produced a substantial though temporary effect, they petered out.

The atmosphere of complacency and the interrupted natural process of leadership change gave rise to stagnation and retardation in the country. These I have described above. The situation, meanwhile, demanded more and more insistently important decisions to refine the mechanism of economic and social management.

What conclusions have we drawn from the lessons of history?

First, socialism as a social system has proved that it has immense potentialities for resolving the most complex problems of social progress. We are convinced of its capacity for self-perfection, for still greater revelation of its possibilities, and for dealing with the present major problems of social progress which arise as we approach the twenty-first century.

At the same time, we realize that improving socialism is not a spontaneous process, but a job requiring tremendous attention, a truthful and unbiased analysis of problems, and a resolute rejection of anything outdated. We have come to see that half-hearted measures will not work here. We must act on a wide front, consistently and energetically, without failing to take the boldest steps.

One more conclusion—the most important one I would say—is that we should rely on the initiative and creativity of the masses; on the active participation of the widest sections of the population in the implementation of the reforms planned; that is, on democratization and again democratization.

### *What Inspired Us to Launch Perestroika*

It is wrong, and even harmful, to see socialist society as something rigid and unchangeable, to perceive its improvement as an effort to adapt complicated reality to concepts and formulas that have been established once and for all. The concepts of socialism keep on developing; they are being constantly enriched as historical experience and objective conditions are taken into consideration.

We have always learned, and continue to learn, from Lenin's creative approach to the theory and practice of socialist construction. We are using his scientific methods and mastering his art of analyzing concrete situations.

As perestroika continues, we again and again study Lenin's works, especially his last.

The classics of Mardism-Leninism left us with a definition of the essential characteristics of socialism. They did not give us a detailed picture of socialism. They spoke of its theoretically predictable stages. It is our job to show what the present stage should be like. We'll have to actually go through this stage, for the classics teach us the approach, not the techniques.

This new stage confronts us with a need to sort out many theoretical issues and established ideas of socialism, relying on Lenin's heritage and methods. Such a review is all the more important since Lenin's ideas were not always adhered to in the years after his death. The specific situation in the country made us accept forms and methods of socialist construction corresponding to the historical conditions. But those forms were canonized, idealized and turned into dogma. Hence the emasculated image of socialism, the exaggerated centralism in management, the neglect for the rich variety of human interests, the underestimation of the active part people play in public life, and the pronounced egalitarian tendencies.

Take the pattern of economic management. The specific historical situation in which the Soviet Union developed, and our extreme conditions, could not but influence that pattern. The threat of war, the bloodiest and the most devastating wars in a history which

<sup>1</sup> This Plenary Meeting, held on 14 October 1964, relieved Nikita Khrushchev of his duties as First Secretary of the CPSU Central Committee. Leonid Brezhnev was elected to this post.

<sup>2</sup> The economic reform of 1965 was aimed at improving the mechanism of economic activity in industry and construction with the emphasis on profit.

the restructuring, and is ready to promote it, fulfilling in practice its role as the vanguard class of the socialist society.

Like revolution, perestroika is not something you can toy with. You must carry things through to the end and make progress every day so that the masses can feel its results and the process can continue gathering momentum both materially and spiritually.

When we call our measures revolutionary, we mean that they are far-reaching, radical and uncompromising, and affect the whole of society from top to bottom. They affect all spheres of life and do so in a comprehensive way. This is not putting new paint on our society or dressing up its sores, but involves its complete recovery and renewal.

Politics is undoubtedly the most important thing in any revolutionary process. This is equally true of perestroika. Therefore we attach priority to political measures, broad and genuine democratization, the resolute struggle against red tape and violations of law, and the active involvement of the masses in managing the country's affairs. All this is directly linked with the main question of any revolution, the question of power.

We are not going to change Soviet power, of course, or abandon its fundamental principles, but we acknowledge the need for changes that will strengthen socialism and make it more dynamic and politically meaningful. That is why we have every reason to characterize our plans for the full-scale democratization of Soviet society as a program for changes in our political system.

Hence we must—if we want perestroika to succeed—gear all our work to the political tasks and methods of leadership. The most important element in the activities of Party organizations and Party personnel is political work among the masses, political education of the working people and the raising of the level of people's political activity. The original meaning of the concept of "socialism," above all, as an ideological and political movement of the masses, a grass-roots movement whose strength lies primarily in man's consciousness and activity, has again come to the fore.

Revolution is an unparalleled phenomenon. And like a revolution, our day-to-day activities must be unparalleled, revolutionary. Perestroika requires Party leaders who are very close to Lenin's ideal of a revolutionary Bolshevik. Officialdom, red tape, patronizing

attitudes and careerism are incompatible with this ideal. On the other hand, courage, initiative, **high ideological standards and moral purity**, a constant urge to discuss things with people and an ability to firmly uphold the humane values of socialism are greatly honored. The revolutionary situation requires enthusiasm, dedication and self-sacrifice. This particularly applies to the leaders. We still have a long way to go to achieve this ideal. Too many people are still "in the state of evolution," or, to put it plainly, have adopted a wait-and-see attitude.

### *A "Revolution from Above"? The Party and Perestroika*

There is a term in historical science and also in political vocabulary: "revolution from above." There have been quite a few such revolutions in history. But they should not be confused with *coups d'état* and palace revolutions. What is meant is profound and essentially revolutionary changes implemented on the initiative of the authorities themselves but necessitated by objective changes in the situation and in social moods.

It may seem that our current perestroika could be called a "revolution from above." True, the perestroika drive started on the Communist Party's initiative, and the Party leads it. The Party is strong and bold enough to work out a new policy. It has proved capable of heading and launching the process of renewal of society. The Party started the effort with self-improvement. I spoke frankly about it at the meeting with Party activists in Khabarovsk, in the summer of 1986. We must begin with ourselves, I said. Everyone must assume the responsibility: in the Politburo, in local bodies, and in grass-roots Party organizations. We must be better than we are. We shall help those who can't improve themselves. The main thing is to be conscientious. We have grown accustomed to many practices when there was no openness. This applies to both the rank and file and high officials.

I don't mean to say people should be coaxed, like candidates do in some countries during election campaigns. Our people don't like it. They must know the truth. One mustn't be afraid of one's own people.



conditions and reservations to the development of democracy, criticism and glasnost.

It is no longer a question of whether the CPSU Central Committee will continue the policy of glasnost through the press and the other mass media and with the active participation of citizens. We need glasnost as we need the air.

I would like to stress once again that the policy of broadening glasnost and developing criticism and self-criticism, rather than playing at democracy, is a matter of principle for our Party. We regard the development of glasnost as a way of accumulating the various diverse views and ideas which reflect the interests of all strata, of all trades and professions in Soviet society. We won't be able to advance if we don't check how our policy responds to criticism, especially criticism from below, if we don't fight negative developments, don't prevent them and don't react to information from below. I cannot imagine democracy without all this.

On the other hand, the criteria and character of criticism are also changing in the conditions of restructuring and democratization. Criticism is, first and foremost, responsibility, and the sharper the criticism, the more responsible it should be, for each article on a social topic is not only a self-expression by a certain person or a reflection of somebody's complexes or ambitions, but a matter of public importance. Democratization is introducing substantial corrections into the relationships between those who criticize and those who are criticized. These should be relations of partnership built on mutual interest. A dialogue is more appropriate in such instances, while all sorts of condescending lecturing and didactics and especially courtroom tones are absolutely inadmissible. And the latter can be found even in articles written by good and respected authors. No one has the right to a final judgment.

One thing is obvious: criticism **should always be based on the truth, and this depends on the conscience of the author and the editor, on his sense of responsibility to the people.**

The press must become even more effective. It should not leave in peace loafers, profit-seekers, time-servers, suppressors of criticism, and demagogues; it should more actively help those who are selflessly working for perestroika. A lot here depends on the local Party com-

mittees. If the Party committee reorganizes its work, the press does so, too.

I want to emphasize that the press should unite and mobilize people rather than disuniting them and generating offence and a lack of confidence. Renewal of society also means striving to assert the dignity of man, his elevation and his honor. Criticism can be an effective instrument of perestroika only if it is based on absolute truth and scrupulous concern for justice.

**To uphold the fundamental values of socialism is a tradition of our press.** Any fact, whether it is the burning issue of today or some unfortunate event of the past, may become the subject of analysis by the press. What values you defend, whether the people's destiny and future are of concern to you is what matters the most. It so happens, sometimes, that an author brings a sensational fact, a topical fact, out in a newspaper and begins to dance around it, imposing on others his own ideas and likes. In my opinion, any honest, open talk, even if it arouses doubts, should be welcomed. But if you try to fit somebody else's suit on us, beware! Glasnost is aimed at strengthening our society. And we have a lot to assert. Only those whom socialist democracy and our demands for responsibility prevent from satisfying their personal ambitions, which are, anyway, far removed from the people's interests, can doubt this.

Of course, this is not a call to put a ban on criticism or to switch to half-truths and give up critical analysis. The interests of deepening socialist democracy and enhancing the political maturity of the people require fuller use of the mass media for discussing public and state issues, broadening control by the public, active striving for greater responsibility, for stronger discipline at work, for observance of socialist law and order, and against violations of the social principles and ethical standards of the Soviet way of life. We seek to organize this work in such a way that the mass media can act as a free, integral and flexible force nationwide, a force capable of promptly tackling the more topical events and problems.

Glasnost, criticism and self-criticism are not just a new campaign. They have been proclaimed and must become a norm in the Soviet way of life. No radical change is possible without it. **There is no democracy, nor can there be, without glasnost. And there is no present-day socialism, nor can there be, without democracy.**

sales plans for itself. Those plans must be based not on numerous detailed assignments set by higher bodies, but on direct orders placed by government organizations, self-accounting enterprises and trade firms for specific products of appropriate quantity and quality. Enterprises must be put in such conditions as to encourage economic competition for the best satisfaction of consumer demands and employees' incomes must strictly depend on end production results, on profits.

We included all these principles of economic management and its specific forms in the draft Law on the State Enterprise (Amalgamation) which was discussed nationwide in work collectives, at meetings of workers and trade-union locals, and in the media. The draft law evoked the interest of the entire nation. The people felt that their opinion was needed. A special group of government officials, scientists and representatives of various state agencies considered the submitted proposals, amendments and additions. Everything that was rational and reasonable was included and considerably improved it.

Most corrections were meant to extend the work collective's rights. The general demand was not to retreat under the influence of inertia, but to go on firmly. It was felt that the new law should not be overburdened by numerous instructions which could emasculate it and bring it to a standstill. The USSR Supreme Soviet has adopted the law which will enter into force on 1 January 1988.

True, the press carried some proposals which went outside our system. There was an opinion, for instance, that we ought to give up planned economy and sanction unemployment. We cannot permit this, however, since we aim to strengthen socialism, not replace it with a different system. What is offered to us from the West, from a different economy, is unacceptable to us. We are sure that if we really put into effect the potential of socialism, if we adhere to its basic principles, if we take fully into consideration human interests and use the benefits of a planned economy, socialism can achieve much more than capitalism.

We attach primary importance to the Law on the State Enterprise in our economic reform. We use it as a yardstick for our other steps and measures. We consider them from the point of view of how fully they conform to this law and contribute to its practical implementation.

In preparing the Plenary Meeting, the Politburo spent several

months examining the results of a comprehensive and strictly objective analysis of the activities of the Council of Ministers of the USSR, Gosplan<sup>1</sup>, Gossnab<sup>2</sup>, Minfin<sup>3</sup>, Gosbank<sup>4</sup>, economic ministries and departments and industrial management bodies. Ordinances were drafted to govern the operation of central agencies so as to make it (and their official functions) strictly consistent with the Law on the State Enterprise, not contradict it in any way. They were discussed at the Plenary Meeting, finalized, adopted and implemented.

The June Plenary Meeting of the CPSU Central Committee, its decisions, and the "Basic Provisions for Radical Restructuring of Economic Management" it adopted, are, in effect, **completing the construction of a modern model of socialist economy to meet the challenge of the present stage of national development.**

The Plenary Meeting and the session of the Supreme Soviet of the USSR that followed it developed and consolidated the policy of promoting the people's active involvement in economic and production processes, closely combining the interests of the state with those of the individual and the work collective, and of making the Soviet working people the true master.

Of course, we will still have things to complete or, perhaps, re-do. No society can ever have any system of economic management replaced overnight by a different, even a more advanced one, as if it were a kind of mechanical contrivance. We will have to adjust a dynamic and flexible mechanism sensitive to changes in production and capable of being constantly modernized, accepting what is advanced and rejecting what has outlived itself. The main danger here is stopping the belief that since decisions have been taken they will always be relevant in their present form.

By drawing up a program for a radical economic reform, we have laid the foundations for a full-scale offensive, this time in every area of the process of accelerating and extending the restructuring. The decisions taken provide the organizational and economic prerequisites for attaining the targets of the current five-year plan and the long-term

<sup>1</sup> Gosplan (USSR State Planning Committee)—a government agency in charge of long-term and current planning of the country's economic and social development and control over the fulfillment of those plans.

<sup>2</sup> Gossnab—USSR State Committee for Material and Technical Supply, a government agency.

<sup>3</sup> Minfin—USSR Ministry of Finance.

<sup>4</sup> Gosbank—State Bank of the USSR, the country's main bank.

unusual, these pseudo-socialists scream that he is undermining the foundations of socialism! This is also among the realities of perestroika. We must patiently argue with such fighters for "pure" socialism, ideal and unsullied in its abstract form, to prove that it has nothing to do with real life.

Lenin never believed that the road to socialism would be straight. He knew how to change slogans when life required it. And he was never a slave to resolutions once they were adopted. He was not afraid to stimulate individual labor activity, when the state and the public sector were weak. And today, in the course of the restructuring effort, some individuals are afraid of the measures being implemented to develop cooperatives, and promote individual labor activity, contracts and self-financing; they're worried that we're weakening the "foundations" and engendering petty proprietors. They feel that by introducing various forms of contracts we might be undermining collective farms. But what about the fact that shops are lacking many goods? This is what we should sound the alarm about, and not cry in panic: "Help, socialism is in jeopardy!"

We believe that combining personal interests with socialism has still remained the fundamental problem. We are referring, of course, to personal interests in the broad, and not just in the material, sense. What we need is not "pure," doctrinaire, invented socialism, but real, Leninist socialism. Lenin was very clear on this point—since we have enormously developed industry and power, there is nothing to be afraid of. Drawing on this strength, we can effect socialist transformations in a planned fashion. This is genuine socialist work. This was true then and it is even more true today, for our society is now economically and politically strong. Lenin never lost track of the real state of affairs; he was guided by the interests of the working people.

I am convinced that the most effective forms of organizing production on the basis of full cost accounting will take root quickest in the agro-industrial complex. For one thing, our collective farms have long-standing traditions. For another, rural folk are enterprising and resourceful. All this makes for greater mobility and flexibility when applying cost accounting, self-sufficiency and self-financing.

The collective contract has proven itself well in agriculture from

the standpoint of labor organization and remuneration. A household contract system<sup>1</sup> is now being set up, and the first results are encouraging.

In early August 1987, I was in the Ramenskoye District outside Moscow, where I spoke with members of a team which has been operating on a contract basis applying intensive technology for five years. They grow seed potatoes, and last year the five of them brought the state farm enormous profits. Amazing things happen when people take responsibility for everything themselves. The results are quite different, and at times people are unrecognizable. Work changes and attitudes to it, too.

The individual in our society wants to be part of everything, and this is a good thing. He does not like situations where his opinion is not sought, where he is looked upon merely as manpower and his human and civic qualities are not appreciated. The collective contract and the democracy which is linked with it are precisely what supports a person's sense of being a citizen and a master.

Today, we have large collective farms and sovkhozes<sup>2</sup> in many agricultural areas. Large work teams, sections and complexes have been organized. They are somewhat divorced from the land, and this affects end results. Today, we must ensure a more solid and direct connection with the interests of the individual through collective, family and rental contracts within the framework of these collective and state farms. Then we will combine the advantages of a large collective economy with the individual's interests. This is exactly what we need. If we act in this way we can make impressive strides in solving the problem of foodstuffs within two or three years.

If personal interests are disregarded, nothing will come of the effort, and society will only stand to lose. For this reason it is imperative to strike a balance of interests, and we are doing so through the new economic mechanism, through greater democracy, through the atmosphere of openness, and through public involvement in all aspects of restructuring.

<sup>1</sup> *Collective contract*—a work method under which a team of workers carries out some work all the way through under a contract with the administration of its own enterprise or with any other organization. In this case, the pay of each participating worker directly depends on his working efficiency. *Household contract*—a collective contract by a family.

<sup>2</sup> *Collective farm*—a farming cooperative. *Sovkhoz*—a state farm.



time it so desires. I point out that each resolution which comes to the floor is accompanied by a special rule which the House adopts and which delineates the method by which the legislation will be considered.

I call attention to our revenue and tax bills which come to the floor under a closed rule, thereby prohibiting the right to amend. This is a procedure which Congress long ago found to be necessary from a practical standpoint in the consideration of tax and revenue measures. In the case of reorganization plans, experience has also proven the necessity of a special rule for the consideration of legislation reorganizing the executive departments and agencies. Therefore, the Congress has imposed upon itself different rules of consideration for this type of legislation and I submit that both the method of rejection by concurrent resolution by both Houses and the method of rejection by a constitutional majority by either House have proven to be workable and productive of the desired results. By experience, we have found out, as in the Economy Act of 1932, that the reorganizations cannot be effected under the simple majority proposition as now proposed in the Hoffman amendment.

To my lay mind, there seems to be no constitutional objection to the Congress requesting any aid or assistance that it may desire in the drafting or formulation of legislation. Neither do I see any objections to the Congress imposing upon itself rules of procedure which it finds to be most effective in securing the passage of desirable legislation, as long as Congress retains the power of formulating its own rules and methods of procedure, preserving its power to accept or reject legislation proposed in any form.

I cannot be too much alarmed at the argument that legislation by presidential plan is unconstitutional. I point out, however, that an amendment to delineate powers or procedures under a reorganization act has been offered by my colleague, who denies the basic constitutionality of the reorganization act which he seeks to modify.

My colleague's position of complete opposition to the Reorganization Act undoubtedly justifies his attempt to weaken the Reorganization Act by a crippling amendment. The Members of the House must, however, take his basic opposition to the act into consideration when considering whether his amendment is constructive or destructive of the purposes of the act.

#### Article 6 of the Constitution

#### EXTENSION OF REMARKS

OF

HON. DWIGHT L. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1953

Mr. ROGERS of Florida. Mr. Speaker, there is now pending in the Senate a pro-

posed constitutional amendment known as Senate Joint Resolution 1, whereby treaties made with foreign governments of international organizations would not supersede our own Constitution and prevent such treaties, upon ratification, from taking precedence over the Federal Constitution and all of our State laws.

It is my observation and opinion that this is a most important piece of legislation and should be passed by this Congress and submitted to the States for ratification as speedily as possible. I therefore hope and trust that the Senate will speedily pass the resolution and then forward it to the House for immediate action. I am convinced that this proposed constitutional amendment is so meritorious that the great majority of the Members of Congress are concerned in giving the Constitution precedence over treaty agreements and will keep the Constitution as the supreme law of the land regardless of whatever foreign commitments might be made.

As a part of my remarks, I am including an editorial written by Jack W. Gore, editor and copublisher of the Fort Lauderdale Daily News, which is very convincing on the necessity of adopting this resolution. The editorial is as follows:

#### THE REASON SO MANY SENATORS ARE CONCERNED ABOUT ARTICLE 6

In this space Wednesday we called attention to the fact that 41 United States Senators had joined hands to introduce a resolution calling for an amendment to the Constitution whereby treaties made with foreign governments of international organizations would not supersede our own Constitution.

Some people, in reading yesterday's piece, may have wondered why so many of our Senators are disturbed about this situation when the Senators, themselves, must ratify all treaties before they can become the supreme law of the land under article 6 of the Constitution.

This is a logical question which we believe deserves a logical answer, and that logical answer can be found easily enough by taking a look at the method by which treaties are ratified.

The men who framed our Constitution undoubtedly thought that when they prescribed the safeguard that the President and two-thirds of the Senators present and voting must approve a treaty before it can become law, they had sufficiently protected the people and the Constitution from unwise treaties.

For well over 150 years this proved to be the case. Only in recent years has the fallibility of this ratification procedure become apparent and this fallibility stems from the fact that whereas amending the Constitution is a long drawn out and involved process, the Constitution can be overridden by a simple and quick process.

The fly in the ointment is the provision that treaties can be ratified and made the law of the land by the action of a very few people. Our forefathers didn't say that two-thirds of the Senators must ratify any treaty. They merely stated that two-thirds of the Senators present and voting plus the President may ratify any treaty.

This is an important and far-reaching difference. In January of 1952, for instance, treaties with Greece and Turkey were ratified

with only six Senators present. On June 14, 1952, three treaties were ratified with only two Senators in attendance at the proceedings. Over the years Senators have come to regard treaty ratifications as of minor importance and have been content to take the advice of the President and his State Department that everything about them was all okay.

This Senate attitude hasn't been overlooked by crafty men who would stoop to any device to get their thoughts and ideas inflicted on the Nation and made the supreme law of the land. When men like Alger Hiss and other Communists and Socialist sympathizers wormed their way into positions of great influence in the State Department and took over the job of drafting up our treaties and agreements with international organizations some rather strange and dangerous clauses began to drop in these documents. These clauses for the most part went unnoticed by Senators who seldom have either the time or the inclination to wade through voluminous treaty agreements prior to voting on them.

But other people were perfectly aware of these clauses. They knew full well that treaties automatically become the supreme law of the land upon ratification and thus take precedence over the Federal Constitution and all our State laws.

In April of 1950 the people of California had an example placed before them of what can happen when a State law conflicts with a treaty. California had a law on the books which prohibited persons who could not become citizens from owning land in that State. That law was challenged in the case of Pugh against State and the district court of appeals eventually held the State law invalid, not because it violated the United States Constitution, but because it violated the Charter of the United Nations, which had been given treaty status when it was ratified by the United States Senate.

Under the same reasoning California's law prohibiting mixed racial marriages was declared invalid. So was a State law in Idaho. More recently we had an even more dangerous example of judicial reasoning holding that treaty obligations were superior to constitutional limitations. This was in the celebrated Supreme Court decision on President Truman's seizure of the steel industry. The Chief Justice of our Supreme Court and two Associate Justices handed down a minority opinion holding that by reason of the adoption of international agreements the President had the power to seize, at his will, private property in this country regardless of constitutional limitations denying him this power. If just two more Justices had joined in this minority opinion, we could have scrapped the Constitution, for under this type of reasoning there would be nothing a President couldn't do under the guise of carrying out some United Nations or other treaty obligation.

That's why we said yesterday, and repeat again today, that our citizens should contact their Congressmen and request their immediate support of this proposed constitutional amendment which would give the Constitution precedence over treaty agreements and which would keep the Constitution as the supreme law of the land regardless of whatever foreign commitments we might make.

This is absolutely necessary if we want to keep the one-worlders from taking over our country and substituting world laws for our present laws. Nobody can say that it can't happen here for it already is happening, and will continue to happen until article 6 of the Constitution is amended to stop this threat dead in its tracks.

the Federalist (number 87), Alexander Hamilton expressed the view of the drafters when he wrote: "The power of making treaties relates neither to the execution of substantive laws nor to the enactment of new laws. . . . Its objects are contracts with foreign nations, which have the force of law but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign."

But that, as Mr. Justice Holmes wrote in 1920 in *Missouri v. Holland*, was a long time ago. It was this decision which brought to flower the philosophy that a treaty can do things the Congress cannot constitutionally do.

This is what happened: The Congress passed a law regulating the taking of migratory birds. Two Federal courts declared the law unconstitutional, saying that it did not come within the delegated powers of the Congress. Later, in 1918, a treaty was ratified with Great Britain on the subject, and that treaty provided for implementing legislation. Thereupon the Congress passed a statute nearly identical with the first, and the Supreme Court upheld the law as valid implementation of a valid treaty.

Thus the device of a treaty allowed the Congress to override the 10th amendment to the Bill of Rights. If a treaty can override one part of the Constitution, cannot another treaty override another part, such as the first amendment, which contains express prohibitions against legislation in the field of a free press, free speech, religious freedom, the right of assembly, and the right of petition?

#### RATIFIED BY ONE SENATOR

Opponents of the proposed amendments say no. They say that in *Anakura* against Seattle the Court held that the treaty-making power "does not extend as far as to authorize what the Constitution forbids."

But those who want the power of treaties defined argue that decision proves their point exactly. They say that the Constitution forbids the Congress to enact such laws, but the prohibition applies only to the Congress. There is no similar prohibition placed upon the President and the Senate in the making of treaties. There is no express limit to the treaty power. And they say there must be one.

Opponents of the limitation say this isn't necessary because the Senate can be depended upon to guard those rights and not to ratify a treaty which can injure them, and they point to the fact that since a two-thirds vote of those Senators present is needed to ratify that this provides a safety in numbers.

But this was not the case on January 29, 1952, when only six Senators were on the floor as the protocol for the admission of Greece and Turkey to the North Atlantic Treaty was first agreed upon. Nor was that the case in the ratification of the treaty with Ireland. When it was brought up on June 13, 1952, Senator SPARKMAN was in the chair and only Senator TATE, of Minnesota, was in the Chamber. Senator SPARKMAN called for the ayes and nays and declared the treaty ratified. Senator TATE told the Washington Star later that he did not vote for the treaty, but that he did not object. Thus Senator SPARKMAN seems to have ratified a treaty all by himself.

It is because of instances like this that 64 Senators are willing to put a safer guard on both treaties and themselves. A two-thirds vote, they know, isn't much of a safety valve when only one Senator can ratify a treaty.

But this isn't the only reason, or even the main reason, for the desire of these Senators to amend the Constitution. They are aware that in recent years there has been a growing movement to do through the treaty power what the Congress itself cannot do. They know that there are a number of treaties,

either completed or in process of completion, in the United Nations which would invade domestic law and set the historic balance of the executive, legislative, and the judicial branches and which could reduce the powers of the States while increasing the powers of the Federal Government.

#### WHAT THE U. S. PROPOSES

What the United Nations proposes in the way of world jurisdiction over matters heretofore within the domestic area was clearly set forth in the January 1948 issue of *The Annals of the American Academy of Political and Social Science*, by John P. Humphrey, former director of the Division of Human Rights of the U. N.

Mr. Humphrey wrote: "What the United Nations is trying to do is revolutionary in character. Human rights are largely a matter of relationships between the states and individuals, and therefore a matter which has been traditionally regarded as being within the domestic jurisdiction of states. What is now being proposed is, in effect, the creation of some kind of supranational supervision of this relationship between the state and its citizens."

The State Department under the last administration went along with the proposal. In September 1950 the State Department issued its Foreign Affairs Policy Series 26, and the policy set forth was that there is no longer any real distinction between domestic and foreign affairs.

That this thinking on the relationship between domestic and foreign affairs has not been restricted to the State Department is evidenced in the dissenting opinion of Chief Justice Vinson in the *Steel Seizure* case.

Despite the express constitutional prohibition against seizure of private property the Chief Justice relied first upon our adherence to the United Nations Charter to maintain for the President a power to seize the steel mills. He pointed out that the first purpose of the United Nations is "to maintain international peace and security, and to that end, to take effective collective measures for the prevention and removal of threats to the peace, and for suppression of acts of aggression or other breaches of the peace." He added that the U. N. Charter had been ratified as a treaty by a Senate vote of 89 to 7. Because of this, and subsequent treaties such as the North Atlantic Treaty Organization, he concluded "our treaties represent not merely legal obligations but show congressional recognition that mutual security for the free world is the best security against the threat of aggression on a global scale." It was only a step or so more to decide that because of all this the President had extraordinary and inherent power to seize property even though the Constitution denied expressly that power.

#### ADVANCEMENT OF EXECUTIVE POWER

Add to this growing philosophy of executive power such court rulings as *U. S. against Reed*, when the Court said: "It is doubtful if the courts have power to declare the plain terms of a treaty unenforceable . . ."; and that of *U. S. against Thompson*: "The power to make treaties has been frequently before the Supreme Court, and there is not a single instance in which a treaty has been declared unconstitutional." Thus, it is not difficult to follow the reasoning of those who fear an abuse of the power of treaties.

Proponents of the amendment say that it will not injure this Nation in its conduct of foreign affairs. With the possible exception of France and Mexico, the United States is said to be the only country where mere ratification of a treaty makes that treaty and all of its provisions the supreme law of the land. Such is not the case in the United Kingdom or Canada, for example. This was pointed out in the *Arrow River* case, when a Canadian court held: "Without the sanction of Parliament, the Crown cannot alter

an existing law by entering into a contract with a foreign power." It also held that the terms of a treaty are not enforceable unless the "treaty has been implemented or sanctioned by legislation rendering it binding upon the subject."

That is just about what the proponents of a limitation on the powers of treaties would like to have. They want to limit treaties to the concept of the founders that they are a device for agreements between nations and not a vehicle for domestic law which under reckless guidance can run the wrong way.

## Nobody Knows Where the Boundaries of the United States Lie

### EXTENSION OF REMARKS OF

HON. F. EDWARD HEBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1953

Mr. HEBERT. Mr. Speaker, I believe the article and the letter speak for themselves:

[From the Washington Evening Star of April 26, 1953]

Nobody Knows Where the Boundaries of the United States Lie

(By Richard Fryklund)

Congressmen debating the Hawaii statehood and tidelands oil bills have discovered no one really knows where the boundaries of the United States lie.

What is more, no one knows how to find out.

The problem is not an idle one. Ownership of countless millions of dollars worth of oil and other minerals depends on the precise location of the Nation's coastal boundaries. Until the lines are drawn many other questions must remain unanswered:

Who may supervise valuable offshore fisheries? How close to our shores may a foreign warship sail? How far out do our coastal defenses extend? Where can we stop smugglers of narcotics, aliens, and liquor? What are our own rights in foreign waters?

Detailed answers do not exist. Nor is it known who should find the answer or how the proper party— whoever that may be— should go about finding it.

#### NOT VITAL, SO FAR

The Nation has been able to rock along for 177 years with only rough estimates of the location of the seaward borders simply because the estimates have not been challenged. But passage of the tidelands bill will make it necessary to measure the United States down to the last square foot. Drillers will have to know who has jurisdiction over the undersea gushers they bring in.

Approval of Hawaii statehood will bring up this question: How is the 49th State to be defined geographically? Where will the boundaries be drawn in the case of a State consisting of 21 islands and numerous rocks and shoals stretching 1,910 miles across the Pacific?

The Hawaiians themselves do not particularly care, as long as the eight inhabited islands are included. The rest are of no use, and offshore undersea lands are worthless volcanic ash.

According to law, the United States border at the Atlantic, Pacific, and Gulf is the low-tide mark along shore, except in the case of some bays, estuaries and other pieces of water which are considered inland even though salty. Stretching 3 miles out from the low-tide mark or from the outer limit



voted to recognize the traditional concept of State ownership of the submerged areas. Twice these acts have been vetoed by the President. The law twice passed Congress which would recognize the State titles is in keeping with basic principles of honest dealing and fair play."

### British Ally Reveals Cold Heart

#### EXTENSION OF REMARKS

OF

HON. ANDREW F. SCHOEPPPEL

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Friday May 8, 1953

Mr. SCHOEPPPEL. Mr. President, on May 7 of this year the Washington Evening Star published an article entitled "British Ally Reveals Cold Heart," written by David Lawrence. The subject matter of this article is so very important and thought-provoking that I ask unanimous consent to have it printed in the Appendix of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

**BRITISH ALLY REVEALS COLD HEART—SHE SENDS STRATEGIC GOODS TO SOVIET AND HIDES BEHIND FICTION THAT RUSSIA IS NOT AN AGGRESSOR LEGALLY**

(By David Lawrence)

Gradually, and with unashamed frankness, the British are conceding that they think it is more important for them to continue their trade with Communist countries than to help the United States put economic pressure on the Soviet Union even as the latter supplies to Red China guns and munitions with which to kill American boys in Korea.

But, what is much worse, the evidence now indicates that the Department of State feels helpless to change the allied point of view. This has just been uncovered in testimony before congressional committees, and it points up as a paramount issue whether the Eisenhower administration intends to use its diplomatic influence effectively and whether Congress will use its appropriations to make sure that an embargo on all trade with Communist countries is inaugurated.

Great Britain today sends no strategic materials to Red China, but admits sending them to the Soviet Union and hides behind the fiction that Communist Russia is not legally an aggressor.

The other day a letter appeared in a Washington newspaper signed "Diplomat" which was written presumably by someone connected with one of the British Commonwealth Embassies. He said:

"The British have to live with—and, to a certain extent, by—trade with the Soviet bloc. They sell rubber to the Union of Soviet Socialist Republics and the European satellites, and refuse to sell it to Communist China, as a part of the policy which recognizes their need for grains and timber from the European Soviet bloc; which looks to the legal situation in which Red China is an aggressor under the U. N. resolution but the Union of Soviet Socialist Republics is not; and which strives to achieve a sensible balance.

"Like all compromises, the balance they make may seem inconsistent, and may, in fact, be inconsistent or stupid or wrong. But it is their official policy in a matter of great delicacy."

Surely this is a matter of great delicacy for the parents and relatives of the more than 100,000 American boys who have become cas-

ualties in Korea. One wonders when the British Government will discover that it is more important to put economic pressure on the Communist countries and bring the cold war to an end than it is to seek profits no matter where they can be obtained.

Surely, also, out of the five to six billions of economic aid about to be voted by Congress to foreign countries, some few millions might be earmarked to buy the timber Britain needs and to absorb the freight expense from distant points and thus aid in every way to achieve the sensible balance the British want. It would cost \$800 million a year to buy up the East-West trade. The American people would gladly pay it to end the cold war.

Surely to bribe or induce the British producers with American dollars cannot be less harmful if trade is to be maintained than to let them be influenced by Soviet rubles or commodities—and if money is the only consideration, perhaps the American Congress can agree to pay the expense of a complete embargo. It would be worth while to do so if American lives could be saved in Korea. For rubber is a strategic material, and when rubber is sold by Britain to the Soviet Union, every one knows it is shipped over the trans-Siberian railway to Red China just as certainly as if it had been sent there by boat direct.

It was Senator McCARTHY who recently uncovered the scandal in foreign shipping which reveals that citizens of various countries, including Britain, are engaged in selling directly to Red China. Then, all of a sudden, the European press began to denounce McCarthyism with far more vigor than would normally be expected from a foreign press which has so little interest in whether subversives are being driven out of the American Government. Now the London Times has revealed the real animus against Senator McCarthy—he is exposing the details of the improper trade with the Communists. The British newspaper says:

"The McCarthy policy, if one can dignify it by such a name, would logically lead to the stopping of all trade with the whole of that part of the world that is under Soviet influence, without regard to the strategic or nonstrategic character of the goods carried. It would mean, on the trade front, a general state of war."

"The idea seems to be gaining fresh hold in the United States that trade with a Communist country is in itself wrong."

To most Americans—and now President Eisenhower has agreed—the fighting in Korea is not a police action but a war. And when there is a war going on, Americans have been taught to believe it is wrong to trade with the enemy. During World War I, before America entered the conflict, Great Britain seized American vessels carrying cargoes to neutral countries because they might ultimately get to enemy countries. In World War II, the United States and Great Britain bought up the production of neutral countries to prevent its going to enemy countries.

The U. N. has adopted a resolution calling on all members to refrain from aiding the aggressors. This wasn't a hairsplitting resolution which said there could be exceptions if some country wanted to make profits or if some country wanted to send her strategic materials to a country bordering on Russia. The embargo resolution was clear cut, and the question now is how do the British and other nations justify the use of shipping to permit trade directly or indirectly with the enemy?

On top of all this, Premier Nehru, of India, has announced that India does not and will not accept the U. N. embargo on strategic materials. How can the other U. N. members now allow India to remain a member of that organization? This is another question which deserves a realistic answer.

### The Power of Treaties

#### EXTENSION OF REMARKS

OF

HON. JOHN W. BRICKER

OF OHIO

IN THE SENATE OF THE UNITED STATES

Friday, May 8, 1953

Mr. BRICKER. Mr. President, I ask unanimous consent to have printed in the Appendix of the Record an article entitled "The Power of Treaties—Its Threat to Constitutional Safeguards Raises National Debate," written by William H. Fitzpatrick, and published in the Wall Street Journal of April 9, 1953.

There being no objection, the article was ordered to be printed in the Record, as follows:

**THE POWER OF TREATIES—ITS THREAT TO CONSTITUTIONAL SAFEGUARDS RAISES NATIONAL DEBATE**

(By William H. Fitzpatrick)

Just now there is a great debate going on in Washington and, as usual with such great debates, the United States Constitution is right in the middle of it all.

The present debate is about whether the Constitution ought to be amended to prevent an abuse of the treaty power. Both sides of this debate admit that there is no express limitation to the power of the President and the Senate to make treaties nor is there any limitation to the kind of treaties that can be made.

Those who want the treaty power left unlimited say that to change it will restrict the President in the conduct of international affairs. Those who want a limitation placed on the abuse of the treaty power say that what they want is not a restriction on the power of the President and the Senate to make treaties. What they seek is a limitation on the kind of treaties which can be made.

The debate therefore is not about the treaty power. It is about the powers of treaties.

Those who want the powers of treaties limited include 64 United States Senators who have cosponsored the Bricker amendment; the American Bar Association; sponsors of an amendment introduced by Senator Watkins; the National Association of Attorneys General; and a number of organizations not particularly identified with legal or foreign affairs. Leading the opposition to the proposed amendments is the Association of the Bar of the City of New York. Administration spokesmen like Secretary of State Dulles and Attorney General Brownell also oppose the amendments.

Briefly, the treaty power arises from sections of the Constitution which empower the President, with the advice and consent of two-thirds of the Senators present, to enter into treaties which are then the supreme law of the land.

#### THE FOUNDING CONCEPT

When the treaty power was embodied in the Constitution, its purpose was to assure other nations that the new Republic, composed of a number of States with different laws, would act as a unit under a treaty. It was simply to say that the President and the Senate could act for all of the States and that all were agreed that no State could act alone in international concerns.

At that time the accepted area for treaties lay in the international field alone. In fact, the framers of the Constitution made it plain that the treaty power, in their view, was a device for international relations and was properly used only in foreign affairs. It



# Los Angeles Times

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## TWA Seeks Bankruptcy Protection

By JESUS SANCHEZ  
 and VICTOR F. ZONANA  
 TIMES STAFF WRITERS

Trans World Airlines Inc., weighed down with debt and buffeted by an industry-wide slump, Friday became the nation's fifth major air carrier to file for bankruptcy court protection from creditors.

TWA Chairman Carl C. Icahn said that agreements had already been reached with bondholders and various unions that will pave the way for the airline's emergence from bankruptcy protection later this summer. But the filing may only be a short-term solution.

Please see TWA, A16

## Female Condom Wins Support of FDA Panel

By MARLENE CIMONS  
 TIMES STAFF WRITER

WASHINGTON—A federal advisory panel recommended approval Friday of a condom designed for women—a device that is the first time will allow women protect themselves from sexually transmitted diseases in the early age of AIDS.

If the condom gets final approval by the Food and Drug Administration, a woman will no longer have to negotiate with a man or be responsible for putting it on for protection, said Dr. Mervyn F. Averbach, president of the American Foundation for AIDS Research, who has served as a consultant to the manufacturer.

The recommendation by the Food and Drug Administration's Advisory Committee on Devices and Research was conditional, depending on the results of additional studies of the condom's effectiveness in preventing pregnancy. So far, such studies have been conducted only in small groups.

Although the FDA still must approve the condom before it can be sold, advisory panel recommendations typically wield considerable influence in agency decision-making.

The condom, manufactured by Aircor Pharmaceutical Co. of Jackson, Wis., and Chicago, already has been approved in Switzerland and is expected to be marketed soon in France and Britain.

It has been enthusiastically embraced by numerous international family planning organizations, women's health organizations and AIDS groups. The U.S. Agency for International Development contributed an estimated \$1.5 million to \$2 million to support clinical trials of the device.

"For the American consumer, it offers women a new option they didn't have before," said James Schacter, chief of the research division of the Agency for International Development's office of population.

Overseas, AIDS is even more of a devastatingly transmitted disease. Please see CONDOM, A25

# World Leaders Urge U.N. to Safeguard Rights Everywhere



Russian President Boris N. Yeltsin and an interpreter listen during a talk with President Bush at the U.N.

## Senate OKs Bill to Regulate Cable TV Rates

By JOHN LUPPMAN  
 TIMES STAFF WRITER

After three years of delay and political maneuvering, the Senate voted overwhelmingly Friday to allow local governments to regulate basic cable TV rates and set limits on the expansion of cable companies.

If signed into law, the legislation could slow the rise of cable TV rates around the country, according to analysts. The House is expected to adopt its own cable bill soon. But President Bush has threatened a veto.

"It's a big victory for consumers," said Gene Kimmelman, legislative director for the Consumer Federation of America. "This was a bipartisan vote for putting a lid on cable rates and promoting new services."

For the powerful cable TV industry, the 73-18 vote in the Senate represents a significant setback in a years-long campaign to convince legislators that efforts to reinstate regulations on cable services would benefit broadcasters more than consumers.

But pro-regulation lobbyists, including broadcasters who supported the legislation, may be celebrating too soon.

The cable industry said that it intends a vigorous fight against the upcoming measure in the House and is emboldened by the prospect of a presidential veto. How restrictive the eventual bill may be—and

Please see CABLE, A17

## Chinese Premier Gets Chilly U.N. Reception

■ Diplomacy: World leaders join in ending Beijing's isolation, but there are few smiles to go along with it.

By JIM MANN  
 and JAMES GERSTENZANG  
 TIMES STAFF WRITERS

UNITED NATIONS—Chinese Premier Li Peng got a chilly and stiff reception at a United Nations summit Friday, but President Bush and other heads of government joined in ending the isolation many had imposed on the 10 Chinese leaders since the 1989 Beijing

## Supreme Court OKs Return of Haitian Refugees

By AL KAMEN  
 TIMES STAFF WRITER

WASHINGTON—The Supreme Court on Friday night cleared the way for the U.S. Coast Guard to forcibly return about 10,000 Haitian boat people to their strife-torn island nation.

The demonstrations, which had been blocked for more than two months by a federal judge, could begin for a matter of days, a senior State Department official said.

About 15,000 Haitians have fled their nation since the Sept. 30 military coup that overthrew their first democratically elected government. Please see HAITIANS, A15

■ Summit: Chiefs of state declare it is time to abandon the tradition of non-interference in nations' affairs. Global interdependence cited by Boutros-Ghali.

By STANLEY MEISLER  
 and NORMAN KEMPFER  
 TIMES STAFF WRITERS

UNITED NATIONS—World leaders meeting in the first Security Council summit in history, pressed the United Nations to abandon its hallowed tradition of non-interference in the internal affairs of countries and move to protect human rights everywhere in the world.

Chiefs of state and heads of government ranging from President Bush to Russian leader Boris Yeltsin to Moroccan King Hassan II declared that the world community must no longer allow advancement of fundamental rights to stop at national borders.

And they suggested the United Nations should play a more active role in combating abuses even if that means involving itself in issues that would once be regarded as off limits to the world body because they involved a country's internal affairs.

"Civil wars are no longer civil and the damage they inflict will not let the world remain indifferent," said the United Nations' new secretary general, Boutros Boutros-Ghali. "Nations are too interdependent, national frontiers are too porous and transnational realities are too dangerous to permit egotistic isolationism."

Meeting under the vaulted ceiling of the U.N. headquarters building that has become a monument to hopes for a more orderly world in the four decades since it was built along New York's East River, the leaders wrapped their deliberations in traditional pomp and circumstance. While most wore plain dark business suits, Morocco's Hassan was dressed in traditional North African robes and India's P. V. Narasimha Rao donned the high-collared jacket named after the late Jawaharlal Nehru, India's first prime minister.

In keeping with the more activist vision most of the assembled leaders appeared to share, French President Francois Mitterrand called for establishment of a new

Please see SUMMIT, A7

## More on Summit

■ YELTSIN'S VISION—The Russian president called for a global antinuclear defense system to give all nuclear nations a chance to share or eliminate their arsenals. A6

■ NEW U.N. PLAN—Circled a standing room under the control of the U.N. Security Council would give the world body a mission it has never had before. A6

■ LOW KEY OUTING—President Bush's low-key performance seems to suggest that Washington's position as the lone superpower may be short-lived. A7

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■ Iran-Co do comm role in complicated p. facts from

By RONALD TIMES STAFF

WASHINGTON—whose cooperation is required to set up a service for use from the In pleading, he could have \$200,000. CIA officials the illegal Iranian program. The personal protest called.

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**"MUSH" FROM ACADEMIA ON WORLD EQUALITY**  
(By James J. Kilpatrick)

SCRABBLE, VA.—The mail brings a letter and a handout from a public relations outfit in Philadelphia, promoting the Declaration of Interdependence recently composed by Prof. Henry Steele Commager. The letter politely suggests that I might want to prepare a commentary on this thing.

Very well. I just might. The professor's pronouncement, prepared for the World Affairs Council, is a bucket of mush. It is a mish-mash of reality and illusion, of good intentions and bad judgment. The dictionary defines the verb "to subvert" as "to undermine the moral allegiance or faith of; to corrupt." This is a genuine subversive document.

Commager borrows from Jefferson's Declaration of Independence. It is a bad loan. As a historian, the professor doubtless has earned a vast deal of the world as it was. He manifests a pathetic naivete about the world as it is.

When in the course of history, the threat of extinction confronts mankind, it is necessary for the people of the United States to declare their interdependence with the people of all nations. Sticksticks. Catastrophe, yes, extinction, no. A little less hysteria might have stamped a better beginning.

"We hold these truths to be self-evident," says the professor, "that all men are created equal." It is a palpable falsehood. The professor declares that people everywhere are entitled to the possession of life and liberty, peace and security, and the realization of their full potential. Nonsense. How did people everywhere get so entitled? Who entitled them? The American Revolution teaches us that people are entitled for these things that Nations reserve for their own citizens, preparing for a fight that requires men of "full potential" is a personal attribute. It is not something to which one is "entitled."

The professor goes on to say that all the people and the nations of the globe should acknowledge their interdependence and free themselves from the limitations of national prejudice. We must put aside narrow notions of national sovereignty. We must rise above "the claims of chauvinistic nationalism."

"We affirm," says the professor, that a world without order is a world without order, and we call upon all nations to strengthen and to sustain the United Nations and its specialized agencies and other institutions of world order, and to broaden the jurisdiction of the World Court that these may preside over a reign of law that will not only end wars but end as well that mindless violence which terrorizes our society even in time of peace."

Under this Declaration of Interdependence, the resources of earth are the heritage of no one nation or generation, but of all peoples, nations and posterity. The declaration demands a "more equitable" sharing of these resources. No one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaborative regulation by international authorities.

Well, yes. The professor had the assistance of a committee of 56 philosophers in creating this sort of banality. You would be reading it over if the laws of gravity kept them from

floating off on moonbeams. What they are proposing, in essence, is to submerge those political and moral traditions that we call "Western civilization" in a barbarian sea of alien customs and ideologies. What becomes of personal freedom in a world order of one man, one vote? When all the free-lancers of the professor's world community start to vote, what "equitable" distribution of resources would result?

These babblers talk of a rule of law under the broadened jurisdiction of the World Court. Rule by whose law? Would they like the Soviet Union's law on private property? Would they prefer India's law on freedom of the press? Would they be pleased by a nice Brazilian view of habeas corpus?

To be sure, in many ways men and nations are indeed interdependent. Every idiot knows that. It goes without saying. But in many essential ways, we have been and must remain wholly independent. And it is no proposition if we are renewing declarations that we ought again to pledge our lives, our fortunes and our sacred honor.

## NATURAL GAS LEGISLATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES  
Monday, February 9, 1970

Mr. MIKVA. Mr. Speaker, the debate occurring last week concerning the re-regulation or continued regulation of natural gas prices at the wellhead is the culmination of a carefully orchestrated public relations campaign conducted by the oil and gas companies. These two major suppliers of the Nation's energy needs have been able to maximize their resources in the fight for deregulation because they are controlled by the same individuals—somewhere between 80 and 90 percent of the gas sold under non-contracts comes from the major oil companies.

Since enactment of the Natural Gas Act in 1938 which protected the consumer from paying all the market would bear for natural gas and restricted the gas producers to charging an amount equal to the cost of production plus a reasonable profit—which has been increasing approximately 15 percent a year—Congress has recognized the importance of regulated gas prices. The industry, however, has consistently fought to have the regulations removed. During the 1950's, gas producers were almost successful, but President Eisenhower vetoed a deregulation bill because of an alleged price offer made by a gas company to a U.S. Senator.

In more recent years, gas production has been increasingly dominated by the oil companies who have employed much more subtle pressures to reach the goal of deregulation. The focus of the oil companies' public relations campaign to deregulate has been twofold: exploiting on the recent memory of the energy shortage and simultaneously creating the prospect of increased employment.

The position of the oil companies has been that natural gas reserves are rapidly disappearing, and that no incentive exists for exploring new sources unless the prices are regulated.

Thus, the basis of the oil company argument is the diminished supply serves. The argument of the oil companies has met with some success buttressed the urgent necessity of regulation by sending less gas into interstate pipelines and by making predictions of shortages this which would result in substantial increased unemployment for a country ready reeling under the highest unemployment rate in 40 years. Unfortunately for the oil companies, these dire predictions have not come to pass. The companies characterize the unexpected supply of gas as the result of an unusually warm winter—that is, an act of God. However, in my district in Illinois, we have had snow on the ground all month, we prefer to think that the predictions never came true because the Federal Power Commission, after obtaining information about reserves supplied by the industry, presented the companies with a Christmas bonus in the form of a decision to divert unregulated intrastate gas into the interstate market. Suddenly the oil companies found enough gas to ship interstate at the new, higher price.

These new sources of gas at a time when severe shortages were predicted was not the result of any new finds or technological breakthroughs. It now appears that these new sources were the all the time. When the industry dominated American Gas Association estimates of 14.7 trillion cubic feet of natural gas reserves were obtained by the Geological Survey, the AGA estimates were found to be under-reported by 2 trillion cubic feet, or eight times more than this year's projected natural gas curtailment. The oil interests have vigorously disputed this information claiming that they were able to make these discoveries only because of decreased demand in the intrastate market. However, seven of the eleven oil companies engaged in the production of natural gas—Exxon, Mobil, Shell, Standard California, Standard of Indiana, Sunoco, and Texaco—refused to comply with a Federal Trade Commission subpoena to produce their records and the other four—Continental, Gulf, Union, and Pennzoil—submitted only partially complete data. In the words of the FTC report "the AGA reserve-reporting procedures are tantamount to collusive price fixing."

It is true that predicting the cost impact of deregulation is difficult, but potential increase in prices is astronomical. There are some experts who say that in the first year of deregulation, consumers will be paying between \$7 and \$10 billion more and after 5 years, the additional cost could climb to \$30 billion a year. The Library of Congress estimates that costs to the consumer could reach \$22.3 billion by the end of the first year. The Government Accounting Office described the potential impact in even startling terms. According to the AGA, deregulation will result in increased prices to the consumer of \$75 billion over the next 10 years for the natural gas equivalent of 1.4 billion barrels of oil. This means that consumers will be paying the equivalent of \$54 per barrel



Guidelines for improving the country's public health services are currently under nationwide discussion. When the discussion is over, the guidelines will be submitted to thorough examination by the CPSU Central Committee and the government and then by the Supreme Soviet of the USSR. This comprehensive project will require vast investments and large-scale effort. We have found the financial and material resources for its first stage, which will be carried out in the last years of the Twelfth Five-Year-Plan period and during the Thirteenth Five-Year-Plan period.

Intensification of social production suggests a new attitude to efficient employment and requires that the labor force be regrouped. While working in this direction, we must thoroughly scrutinize how the principle of social justice is implemented. The widespread practice of equalizing has been one of the prime deformities in the past few decades, resulting in the development of attitudes of dependence, consumerism and a narrow-minded philosophy of the type: "It is none of our business, let the bosses have the headache."

This is how the 27th Congress of the CPSU formulated the problem of social justice: under socialism, work is the foundation for social justice. Only work determines a citizen's real place in society, his social status. And this precludes any manifestation of equalizing.

Equalizing attitudes crop up from time to time even today. Some citizens understood the call for social justice as "equalizing everyone." But society persistently demands that the principle of socialism be firmly translated into life. In other words, what we value most is a citizen's contribution to the affairs of the country. We must encourage efficiency in production and the talent of a writer, scientist or any other upright and hard-working citizen. On this point we want to be perfectly clear: socialism has nothing to do with equalizing. Socialism cannot ensure conditions of life and consumption in accordance with the principle "From each according to his ability, to each according to his needs." This will be under communism. Socialism has a different criterion for distributing social benefits: "From each according to his ability, to each according to his work." There is no exploitation of man by man, no division into rich and poor, into millionaires and paupers; all nations are equal among equals; all people are guaranteed jobs; we have free secondary and higher education and free medical

~~services; citizens are well provided for in old age.~~ This is the embodiment of social justice ~~under socialism.~~

Today, when social justice is the point at issue in our country, much is said about benefits and privileges for individuals and groups of individuals. We have benefits and privileges that have been ~~established~~ by the state, and they are granted on the basis of the quantity and quality of socially useful work. There are benefits for people in the sphere of production and in the sphere of science and culture. For instance, ~~we take special care of~~ our eminent scientists, academicians and writers. Honorary titles are conferred on people for outstanding contributions to socialist construction. Thus, Heroes of Socialist Labor, award-winning scientists and cultural personalities enjoy certain extra benefits. There are also certain benefits for people in various industries and for those working in different regions (above all, in the north and remote areas), for servicemen, diplomats, etc. I believe this practice is justified, for it is in the interests of society as a whole. It, too, is based on the importance and size of a citizen's contribution.

But if there are privileges which have not been established by the state but which some people, abusing their official powers, "establish" for themselves, we ban them as unacceptable.

And there is one more aspect to the issue. Many of our organizations, institutions and enterprises run services facilities. A public catering system operates at large enterprises practically everywhere. Besides, in most cases enterprises shoulder the expenditures of maintaining public catering organizations. It is done jointly by the management and the trade union committee, as a result of which meals cost less.

Our country has an extensive network of medical institutions which provide health care services to people at their places of work. It comprises not only outpatient clinics but also holiday homes and after-work health-building centers situated near an enterprise or in recreation zones and health resorts. Many enterprises run their own shops, food-ordering services, dress-making establishments, and so on. A veritable services sphere of their own, you could say.

This is true not only of industrial enterprises. For instance, the Academy of Sciences, the Writers' Union or other organizations of this kind, have health centers, holiday hotels and summer cottage

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The position of the oil companies has been that natural gas reserves are rapidly disappearing, and that no incentive exists for exploring new sources unless the prices are regulated.

Thus, the basis of the oil company argument is the diminished supply serves. The argument of the oil companies has met with some success buttressed the urgent necessity of regulation by sending less gas into interstate pipelines and by making predictions of shortages this year which would result in substantial increased unemployment for a country already reeling under the highest unemployment rate in 40 years. Unfortunately for the oil companies, these dire predictions have not come to pass. The companies characterize the unexpected supply of gas as the result of an unusually warm winter—that is, an act of God. However, in my district in Illinois, we have had snow on the ground all month, we prefer to think that the predictions never came true because the Federal Power Commission, after obtaining information about reserves supplied by the industry, presented the companies with a Christmas bonus of permission to divert unregulated intrastate gas into the interstate market. Suddenly the oil companies found enough gas to ship interstate at the new, higher price.

These new sources of gas at a time when severe shortages were predicted was not the result of any new finds or technological breakthroughs. It now appears that these new sources were there all the time. When the industry dominated American Gas Association estimates of 14.7 trillion cubic feet of natural gas reserves were shown by the U.S. Geological Survey, the AGA estimates were found to be under-reported by 1 trillion cubic feet, or eight times more than this year's projected natural gas curtailment. The oil interests have vigorously disputed this information claiming that they were able to make these discoveries only because of decreased demand in the interstate market. However, seven of the eleven oil companies engaged in the production of natural gas—Exxon, Mobil, Shell, Standard California, Standard of Indiana, Sun, and Texaco—refused to comply with a Federal Trade Commission subpoena to produce their records and the other four—Continental, Gulf, Union, and Pennzoil—submitted only partially complete data. In the words of the FTC report, "the AGA reserve-reporting procedures are tantamount to collusive piggybacking."

It is true that predicting the cost impact of deregulation is difficult, but potential increase in prices is astronomical. There are some experts who say that in the first year of deregulation, consumers will be paying between \$7 and \$10 billion more and after 5 years, the additional cost could climb to \$30 billion a year. The Library of Congress estimates that costs to the consumer could reach \$22.3 billion by the end of the first year. The Government Accounting Office described the potential impact in even more startling terms. According to the AGA, deregulation will result in increased prices to the consumer of \$75 billion over the next 10 years for the natural equivalent of 1.4 billion barrels of oil. This means that consumers will be paying the equivalent of \$54 per barrel

NATIONAL CONFERENCE ON DEFENSE REINVESTMENT: A major challenge of the post-Cold War era is implementing significant reductions in the defense infrastructure while converting those facilities and creative human talents to civilian-oriented, economically productive services. The Gorbachev Foundation, in cooperation with leading federal and private institutions, is sponsoring a conference on defense reinvestment in Spring of 1994.

The conference will assemble representatives from all areas of the nation and selected international regions affected by military base closures and related defense spending reductions. These representatives will meet with leading specialists in all facets of defense installation conversion and re-utilization. Private investment institutions will cooperate with government and non-profit organizations in unique public/private partnerships to provide both practical opportunities for civilian reinvestment and a new strategic vision for the continued transformation of appropriate defense facilities into centers which will make substantial contributions to American and global prosperity.

CHILDREN AND HEALTH: Both Mr. and Mrs. Gorbachev are quite passionate about the health of our children and are committing a significant amount of personal time to aiding the children of Russia. GF/USA and GF/M have already raised the funds necessary to install a clean room for the treatment of childhood leukemia in Moscow and have delivered \$2 million worth of vaccines to the Republic of Georgia. A globally broadcast concert and television special was aired this summer to raise funds for the immunization of children both in the U.S. and the former Soviet republics, proceeds from which are being used to assist children in emergency health crises.

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**Our Collective Mission**

to American freedom—a constitutional amendment to protect American rights and the American form of government against the dangers of treaty laws.

In conclusion may I say, as I said in a speech here a month or so ago: "In all the world America is the last hope and last stronghold of individual liberty. When the great problem of world peace is looked at from all sides, the necessity for preserving America's identity, integrity, and strength becomes more and more apparent and one is impelled to the conclusion that a strong, independent, and free America is not only the best for its own citizens, but the best guaranty of world peace and world order."

### "Air Evac" From Korea

#### EXTENSION OF REMARKS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1953

Mr. EVINS. Mr. Speaker, all of us know, or should know, and appreciate the heroic deeds of the men of our Air Force on the war fronts. Today I wish to pay a special tribute to the remarkable services of the air-evacuation work carried on by the United States Air Force in transporting our wounded men in Korea from the combat lines to hospitals where they receive more quickly medical treatment prior to their return to the United States and home.

In this connection, Mr. Speaker, I include with my remarks a moving and well-written article by Mrs. Margaret Thayer Talbott, wife of the Secretary of the Air Force, with reference to evacuation of American soldiers from Korea. This article appears in the April 15 issue of *Vogue* magazine and is a most timely review of the evacuation work now in progress bringing to America prisoners of war and the wounded of our Armed Forces. The article follows:

#### "Air Evac" From Korea

(By Margaret Thayer Talbott)

The big plane bringing the wounded from Korea was late. "Usually we hit it on the nose," Col. James G. Moore, the grey-haired surgeon who is the head of Air Evac, told me, "but there seems to be some delay." We waited in the early dawn on Honolulu's Hickam Field with the nice young wives whom I had met a short evening or two ago, a gay Saturday nightful at an Air Force jamboree in a Japanese tea garden. This morning, these same young women, neatly dressed in crisp tropical Red Cross uniforms, waited to help with the arriving casualties. While we waited for this military air transport service flight, time was filled with coffee and endless small talk. (And during all of it, I had an awful whirl of emotions—of inadequacy, of fear, I suppose, of downright heartache, and of the black and white of Korea's war in newscasts and newspapers: "Peace is a beckoning phantom walking backward. Over the next hill; over the next hill—always over the next hill.")

Colonel Moore's lovely blond wife showed me through the Red Cross canteen. The mother of three small children, she has that expression which comes from owning a warm soul. She heads the Red Cross group of fifty-odd young women who all year meet the incoming loads of broken boys who have arrived since the Korean fighting began.

We went through Hickam "Operations," where the patient movement procedure is mapped, organized, and planned from the Korean battlefield to San Francisco. The director of nurses showed me the nurses' kits. Each nurse is equipped with three units: a small box-like trunk marked with her name and filled with every kind of medication, bandage, surgical appliance, and narcotic supply; a duffel, to hold the bed pans, urinals, restraining straps; and a third piece of equipment which holds varying sizes of oxygen masks, and is accompanied by its own tank. Used in chest-wounded cases, the tank can be plugged in electrically or, in emergencies, can be hand-propelled.

We learned, in the pharmacy, of constant experiments with new techniques. I saw the latest antiseptic disposable hypodermic kits, not yet on the market. The kit is a small box, with plastic containers, which fit into the syringe and can be thrown away after use, and needles packed in sterilized tin-foil cases to eliminate boiling. I saw the Stryker Frame, the newest stretcher, which makes it easier for the flight nurse to turn a heavy patient, and on the long plane journeys modifies the risk of bed sores.

Suddenly alerted, we went out to the flightline to wait as the big plane landed. A huge red combination fire fighting rescue engine chased it as it touched the ground in case of an accident during the landing roll. A long file of ambulances drew into position. After the plane's great doors opened and the ramp had been rolled into place, I followed Colonel Moore aboard. Ambulatory cases sat stolidly along one side. Opposite them, layer upon layer, lay soldiers, sailors, marines, and airmen, black, brown, and white.

As the photographers edged up with us, I whispered to Colonel Moore, "How can they bear to be bothered?" "Oh," he whispered back, "they enjoy it. It makes them feel important and as though the people back home do care. We always get the boys' permission." Flash bulbs lit up the interior.

"Here's a boy from your home town, Philly. Big smile please, Mrs. Talbot." (How can you smile? He has no eyes.)

"There's a guy from New York where you live. Big smile please, Mrs. Talbot." (How can you smile? His legs are gone.)

"Here's one from Ohio, the Secretary's State. Big smile please." But there's no hand to shake and you grin and grin and say, "Hi fella, how are you? Good trip?"

My jaw felt like concrete, my mouth wooden, asking silly questions over and over, trying to make sense. The two stalwart nurses looked small and fagged. Upon those two women had rested the entire responsibility of care for these boys from Tokyo to Honolulu. (For this rigorous duty, only the best nurses, who must sign up for a year, are chosen.) They nodded a curt "hello," and returned to checking their lists. But their handshakes were warm and friendly.

Off the ship limped the ambulatory cases, followed by a parade of stretchers. Swiftly, skillfully, they were moved by four corporals who had traveled with them from Tokyo, and now flowed back and forth into their positions like a silent river. As the bright Hawaiian sunlight hit the stretcher cases, it seemed to hurt their eyes, and some pulled sheets over their heads. Quickly, all the stretchers were loaded in ambulances. All traffic halted for them on the rapid ride to the hospital.

The relief of having been able to control my emotions was intense.

In transporting a total of over 50,000 patients, Air Evac has never lost a man en route. The wounded can count on being in the United States in 30 to 72 hours (weather permitting) after leaving Tokyo, the first step from Korea. From Tokyo, they hop to Midway, then to Hickman Field, where they are taken directly to Tripler Hospital for a full day's rest to break the trip and to have

their wounds fully attended. They fly then to the big base hospital at Travis Air Force Base, Calif., and are rerouted from there to the hospital nearest their hometown.

Later I went to the vast Tripler Hospital. High up in the hills, overlooking Pearl Harbor, this magnificent hospital towers above the city. From operating rooms to kitchens, nothing I have seen in the medical world can touch it. In the surgeons' restroom there are dictaphones so that the doctors can easily register important data on the operations they have just completed. Patients have individual radios like small round plates which fit beneath their pillows. In the cafeteria are diet-indicating cards of different colors for ambulatory patients to pick up with a tray: pink for diabetics, green for colitis, blue for ulcer patients.

After a 2-hour inspection, we revisited the boys who had arrived on the plane. Now bathed, shaved, they lay in big sun-washed airy wards that had been filled with flowers. The Red Cross women brighten everything they can for these men with flowers. Native hats, woven out of green reeds, are intertwined with small orchids, then filled with cookies. Even the milk containers have flowers sticking out of them and, of course, everyone gets a lei. The boys who could now play cards; others listened to their radios or read. For all of them, it was the last lap home.

### Statement of Roswell Magill

#### EXTENSION OF REMARKS

HON. FREDERIC R. COUDERT, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1953

Mr. COUDERT. Mr. Speaker, under leave to extend my remarks, I include the following admirable statement by the Honorable Roswell Magill, Under Secretary of the Treasury during the Roosevelt administration, and now president of the Tax Foundation, in support of H. R. 2:

STATEMENT OF ROSWELL MAGILL BEFORE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS AT HEARING ON APRIL 13, 1953, CONCERNING REPRESENTATIVE COUDERT'S BILL, H. R. 2

My name is Roswell Magill. I am president of the Tax Foundation, a nonprofit educational organization, and I appear here at the request of the committee to testify on Representative COUDERT's bill, H. R. 2. With your permission, I shall confine my remarks to three main points: (I) The need for both a balanced budget and tax reduction; (II) Congress' lack of annual control over expenditures as an obstacle to a balanced budget; and (III) proposals to eliminate this obstacle, including H. R. 2.

I. Concerning point No. 1, the need for a balanced budget and tax reduction, I do not believe there can be much argument about the desirability of these objectives. Both Congress and the administration are doing their best to accomplish these ends in fiscal 1954. I believe they can and must succeed. I base this belief on the simple principle that fiscal decisions must be approached on the basis of what 150 million Americans want the Federal Government to do.

Fundamentally, I think we want the Government to accomplish for us two great things. First, we want our Government to strive for peace in the world. We want a stable society and an end to recurring wars and emergencies.

Second, we want to maintain the economic well-being of America. That means, among

under consideration over 200 treaties affecting the social, economic, and political rights of American citizens, and the International Labor Organization at Geneva has drafted over 100 treaties and now considers itself a world parliament to keep on drafting treaties. Unless this vast program of treaty-law making is brought within proper limits by an appropriate constitutional amendment, American rights, both State and individual, and the American form of government will be substantially altered, if not destroyed. The people of this country should begin to realize that they are being led by the Pied Pipers of Internationalism into a complete change in their form of government under such noble phrases as "human rights," "social justice," and "world peace."

There is a United Nations Organization in every city, financed by our own tax money, in that we pay a large portion of United Nations expense, to propagate these ideas of a new world order. Through moneys appropriated to the State Department millions of dollars of tax moneys have been used to try to persuade Americans to embrace some form of world citizenship.

It is the first time in all history that any great nation has been financing a program leading to its own destruction. Other nations in history have fallen due to corruption and to internal decay or at the hands of military conquerors, but we are the first to knowingly finance our own destruction. The citizens of other nations in the United Nations, even at the present time, though members of the United Nations, are still devoted to their own national interests. This is true of England. Witness her attitude of protecting her national interests in China as against a blockade of the China coast to prevent war materials entering Communist China to be used to destroy our soldiers in Korea. France is jealous of her national interests in Morocco and Northern Africa. Egypt, Iran, and other countries of the Middle East are outspoken in their nationalism. India and Indonesia are outspoken in defense of their nation and interests and their customs and institutions. Of course, the Russians are likewise defending their nationalism and way of life. All other nations are defending their national identity and integrity, while many Americans seem willing to sacrifice and destroy ours by leveling out and modifying and overriding our laws and institutions through treaties which I have said are not domestic law in any other important country until implemented by national legislation.

The proposal for a constitutional amendment on treaties and executive agreements is being chiefly opposed by "one-worlders," "half one-worlders," "quarter one-worlders," "international do-gooders," and all the other Pied Pipers of internationalism, including a certain segment of the press and those commentators who are still the mouthpieces of a policy of giving America away on some vague theory that this will achieve world peace. A resolution for a constitutional amendment requires two-thirds vote in each House. It does not require the President's acquiescence or approval, nor does it require any approval from the Department of State or any other department of Government.

The chairman of the Senate Judiciary Committee and other Senators attending the recent hearings indicated that prompt committee action would be taken in making a report. Those of us who were in more or less constant attendance at the hearings believe that a substantial majority of the Judiciary Committee will recommend passage of a resolution approving a constitutional amendment in language appropriate and adequate to meet the views of Senator BRUCKER and his associates and the representatives of the American Bar Association.

A resolution for a constitutional amendment can be passed this year and should be passed this year, but it will only be passed

by the necessary two-thirds vote of both Houses if you and the other courageous and loyal women of America get behind it with all your energy and enthusiasm and love of country. You will be told by some—even the high officers of government—that such an amendment will seriously interfere with our international relations. The American Bar Association was told the same thing when the Genocide Convention was offered for ratification—that if the Association opposed it and if America did not ratify that Convention, it would make the world think we did not believe in "human rights" and were not sincerely interested in internationalism and cooperation. This sort of talk proved to be sheer hogwash and propaganda. Largely due to your opposition and the opposition of the American Bar Association and other patriotic organizations, the Genocide Convention has remained unratified for more than 3 years and the world and world peace have not been affected thereby in the slightest. Now, after all the emotional furor over the Genocide Convention, Mr. Dulles promises that so far as he is concerned he does not favor its ratification, though in September 1949 he publicly upbraided or chided the American Bar Association for opposing the ratification of this very treaty.

Mr. Dulles and the other Government witnesses to the contrary notwithstanding, the proposed constitutional amendment, if appropriately phrased along the lines of the American Bar proposal, will not interfere with negotiating any kind of a treaty with any number of words that may suit the international ideas of our representatives or the representatives of any other countries. The proposed amendment will not interfere with the negotiation now or in the future of any treaty that the State Department presents and can get the Senate to ratify. The proposed constitutional amendment is not in any sense an amendment of the present provisions of the Constitution with respect to the negotiation and ratification of treaties. The Government witnesses seemed to wholly overlook this fact and in their testimony, as I shall show in a pamphlet about to be released from the press, indulged in a series of legal errors, untenable arguments and fantastic illustrations which were originally concocted by the City Bar of New York and then adopted by Government witnesses last year and rephrased by the Government witnesses this year. The record in the recent hearings discloses that not only did the Government witnesses of this administration adopt the old arguments presented in the hearings last year, but they unwittingly also repeated the errors of law and other fallacies of fact and illustration originally set forth in the report of the City Bar of New York.

As the overwhelming testimony in the recent hearings shows, the passage of an appropriate constitutional amendment as recommended by the American Bar Association would not interfere with the free negotiation and ratification of treaties. It would only mean that when, as, and if it transpires (whether soon or late) that a provision slipped into a treaty or omitted therefrom is about to operate adversely upon American rights and freedoms under our own Constitution and Bill of Rights, then the courts can freely hold that particular treaty provision is not effective in the United States as domestic law.

As your immediate and most important task in defense of America, in addition to the formal resolution you have already adopted, you and your great organization can perform no greater service than to give this matter of a constitutional amendment immediate priority over all other objectives.

In pressing for the immediate passage of a constitutional amendment on treaties and executive agreements, you and other patriotic Americans will be only exercising the

same wisdom as your forebears when they insisted upon the first 10 amendments (our Bill of Rights) without waiting for court decisions or acts of any Secretary of State or other concrete evidence of danger threatening what they conceived to be the basic individual rights inherent in the people. With the great number of treaties that are being proposed by the various agencies of the United Nations upon every conceivable subject, it is well to lock the door before the horse is stolen and set up a protective shield by way of a constitutional amendment which will make it crystal clear to all the courts and to the officers of Government that the American people have decided for themselves that no provision of a treaty shall be valid which conflicts with any provision of the Constitution of the United States.

However, we still face powerful opposition in this matter of getting a two-thirds vote, and after such a vote in both Houses of the Congress, then we may face powerful opposition in getting the necessary three-fourths of the State legislatures to adopt the amendment. In order to meet and overcome opposition to the amendment, I am going to suggest a plan to you. The patriotic women of America can put this constitutional amendment over—if they but devote their minds and their hearts to the task. The same idea or plan was effectively used immediately prior and during the Revolution. It was largely the brain child of Samuel Adams, of Boston. Most of you doubtless will remember the Committees of Correspondence that were set up in Massachusetts and in many other Colonies. Their function was to write letters to colonial officials and to the important private personages of that day and thus find out who were for American independence and who were against it, and who, out of timidity or otherwise, were noncommittal. They persisted in this letter writing until they had nearly everybody of importance throughout the Colonies on record as to their attitude. These Committees of Correspondence did such a remarkable job that one historian has gone so far as to say that without their work in encouraging the strong and pursuing the timid and driving the timid and the opponents to cover, the Revolution could hardly have been won.

Now, I sincerely urge you and your members to set up committees of correspondence in all the various localities throughout the country, and that these committees see to it that letters are immediately written to all Senators and Representatives—congratulating and praising those who are known to be for the amendment and ascertaining from the others why they are not supporting it, and get others to do so. I know that many of you have already written letters but this must be an organized effort. Appoint committees of correspondence in all your chapters. Get other patriotic organizations to do likewise. The issue is now plain and simple and the time has arrived for all good citizens to take sides immediately, and actively support this great constitutional movement.

Last Sunday you dedicated a great and beautiful memorial bell tower at Valley Forge. You worked and strived and built this magnificent memorial as an evidence of your devotion to American freedom and as an evidence of your loyalty to the American form of government, and as evidence of your faith in its continuation.

You now have the opportunity to work and strive and to build another memorial—a memorial in sacred words—a constitutional amendment to protect and assure the continuance of those freedoms and those institutions of Government which your beautiful memorial at Valley Forge commemorates and honors. I ask you tonight—each of you—and all together, to solemnly resolve that when you go from this great Constitution Hall—you will devote your minds and your hearts to working for the new memorial



so the government is to pay her for performing this natural act of love and affection. It is proposed that the government furnish benefits to pregnant mothers—the cost of which is to be paid for out of taxes.

Maternity benefits are to be paid to pregnant working women by the government. It was suggested that under collective bargaining and in proper cases of need these benefits might be taken into account in collective bargaining and be paid by employers, but it was voted that employers should not be allowed to pay any part of such benefits because this might give working women a feeling of too great loyalty toward their employers. In this connection, the representatives from India and Pakistan doubted whether their governments had the funds to make maternity payments for all the working mothers in these countries, since nearly all work in the fields and elsewhere, and these countries wanted an exception in their case to allow employers or landowners through collective bargaining or otherwise to take care of maternity benefits. They were outvoted. Even the United States official representative voted against such an idea of allowing the employer to pay anything for pregnant working mothers because the state should perform all acts of a humane character. This will beget loyalty to the socialistic state.

In the matter of maternity benefits there is to be no difference between legitimacy and illegitimacy. All are to be financed by government benefits.

In connection with all the acts to be assumed by Government under the various ILO social and economic treaties, a serious question was raised as to the ability of some governments to take care of so many social and economic obligations. This brought forth the suggestion that in order to carry out the final complete social and economic program of ILO treaties it would be necessary for the United States and other wealthier countries to sponsor a revolving fund of about \$40 billion in order to take care of all the plans which the ILO had in mind. The fact is that the International Labor Organization no longer confines itself to labor relations. It now views itself as a world parliament and has already prepared about 100 treaties covering all phases of the social and economic life of all nations including the intimate affairs of family life. The attempt to influence and control family life, while on its face fantastic and even amusing, is actually an insidious socialistic program to undermine the American concept of family and to destroy it, and to make its most intimate details dependent on the state.

How does it come about that individual Americans and the officers of Government, particularly in the State Department, are engaged in giving America away by supporting treaty programs which undermine our family life, our basic rights, and our form of government? Are we the victims of disloyalty? Yes, to some extent, but disloyalty and communism are in many respects only a small part of the answer. If we eliminate all disloyalty and communism the question would still be with us. Why do individual Americans and the officers of Government follow a treaty program of "giving America away"? The answer is to be found in certain facts and attitudes.

First of all, Americans are a kindly people and hence often a gullible people. We just love catch phrases and slogans and do most of our thinking that way. The American people have become victims of slogans and catch phrases.

In the international field we have been victimized by such catch phrases as "Making the world safe for democracy," "one world or none," "freedom loving countries," "the four freedoms," "human rights," and a dozen others.

If you do not think we have been or can be fooled by trick phrases, consider the "four freedoms." This was the greatest catch phrase of all time. It fooled the most people. Some seem still fooled by it. "The four freedoms" were advertised as a great new "charter of liberty" for all the world. But the captive elephant in the zoo has all the four freedoms. He has freedom from want, for he is fed regularly by his keepers; he has freedom from fear, for his natural enemies, the lions and tigers are in separate cages; he has freedom of speech, for he can trumpet whenever he wishes; he has freedom of belief, for he can think anything he likes. But he lacks the most important freedom of all—the freedom of individual initiative. It is this freedom of initiative and freedom from arbitrary control by government which is the basic freedom of free men and women and the basic freedom for which men and women have fought through the ages. But this basic and essential freedom was not included or mentioned in the so-called four freedoms. We have been giving America away by listening to trick phrases.

In the second place, we have been giving America away by and through the State Department's attitude of compromise and appeasement. The reason the State Department goes along with an international program in the field of basic rights that tends to level out and change our American rights as fixed by our Constitution and bill of rights is that the State Department is anxious to cooperate with other nations and have all the other nations think that we are not only glad to help them in a material way with money and goods, but that we are willing to enter into declarations, covenants, and pacts in the field of so-called rights which will help other nations in some measure toward improving their own standards of rights.

Because their standards and concepts in the field of law and social and economic rights are different and mostly lower than ours, the State Department concludes that we cannot presently expect to have the other nations accept our concepts, so compromise becomes necessary for the State Department to get an international agreement in the so-called field of human rights.

One of Mrs. Roosevelt's own advisers once told me very early in the development of this compromise and appeasement policy that since the representatives of most foreign nations know nothing about the American Constitution and Bill of Rights they are not interested in talking about these documents. Thus, for example, for the American representatives in the United Nations to insist upon incorporating the American concept of private property and other fundamental American concepts into these international treaties merely causes irritation in the minds of our foreign friends and there can be no agreement unless we forget or lay aside our own Constitution and Bill of Rights. The result is that in these international negotiations our State Department has over and over again chosen to forget or lay aside our Constitution and Bill of Rights. This is what is called international cooperation.

Thus, in drafting the Declaration on Human Rights and the Covenant on Human Rights and the Genocide Convention, and other United Nations documents, many compromises of American concepts were made. Mrs. Roosevelt herself said in connection with the declaration that there were many compromises in it and if she had it to do over again, perhaps she would not have made so many.

One of these so-called compromises is particularly interesting. Our Government is founded on the basic idea that man is endowed by his Creator with certain inalienable rights. There was an attempt made to get into the Declaration some such statement. This was opposed not only by the Russians and the Communist countries, but by certain

socialist countries that we classify as a part of the free world. These opponents said: "Man is not endowed by the Creator with anything. He only gets the kind of rights that his government gives him and he has them as long as the government lets him have them." Then it was suggested that as a compromise it might be said, the word "nature" being one of a less religious significance than the word "Creator"—that man was endowed by nature with certain rights. But again it was said: "No; man is not endowed by nature either. He only has such rights as the state gives him." The final compromise in the interest of international cooperation was to omit any declaration that man is endowed with any rights—what of course, is exactly the totalitarian theory of government. By the same process of compromise, day and all right to own property was omitted from the covenant.

How can we ever expect to have a so-called universal declaration or covenant or any worldwide document on human rights which satisfies the American concept and the Russian concept or even the English and the American concept for the French and American concept without mentioning the other diverse nationalities of the world, like India, China, the Near East, and Africa? The whole project has been ridiculous from the start. It was considered and attempted some years ago, before the United Nations was ever thought of, by the American Law Institute and was abandoned not only because of the different concepts of law and government and religion and economics throughout the world, but because also of the difference in the meaning of important words. The word "liberty" has quite a different meaning in France and Italy, and other countries, than in America—as do also such words as "law trial" or the word "freedom."

But in spite of the present Secretary's disclaimer, it is too much to expect that a mere disclaimer by a particular Secretary of State will stop the wave of internationalism which seeks to establish by treaty a so-called common standard of rights for all the world. The only effective way we can protect America and our standard of rights is by an appropriate constitutional amendment. Then, whenever in any of these international declarations, covenants, and treaties there is some provision or some omission contrary to American rights, such provision will simply be of no force and effect in this country and of no force and effect upon our courts in the interpretation of our laws.

The general effect of the present Secretary of State's testimony in the recent hearings before the subcommittee of the Senate Judiciary Committee was that, in his opinion, a constitutional amendment is unnecessary because, among other things, the present State Department can be trusted not to permit the drafting or approval of treaties adversely affecting American rights. Of course, the plain and easy answer to this is that it constitutes the age-old argument of persons in power that we are safe with a Government of men instead of a Government of law and adequate constitutional restraints.

A majority of the American people want a constitutional amendment to protect their rights, and not the word of a particular officer of Government, however eminent he may be. They want and are entitled to the protection of such a constitutional amendment. This whole matter of treaty law has become so dangerous in the hands of international pressure groups that the American people want a provision in their Constitution to protect them for all time against the past, present, and all future State Departments that may drift into a policy of compromise and appeasement as to American basic rights. As already indicated, the United Nations and its affiliated organizations already have

Yet, the State Department Bulletin of July 7, 1952 (the Department of State Bulletin, vol. XXVII, No. 680) had the audacity in quoting Mrs. Roosevelt to state that the covenant "as now drafted contains no provisions which depart from the American way of life in the direction of communism, socialism, syndicalism, or statism." Mrs. Roosevelt further stated "when such provisions have been proposed, the United States has opposed them; every proposal by the Soviet Union and its satellites to write 'statism' into the covenant has been defeated . . ."

Apparently Mrs. Roosevelt and the State Department do not recognize that the right to own property is the very basis of the American way of life. Without the right to own property and to be secure in its enjoyment, all our other rights would be of little practical consequence. Perhaps in this connection one might properly quote from a speech once made by Senator Borah, who was himself classed not as a conservative but as a great liberal.

Senator Borah, in speaking about the early attempts to disparage property rights in this country, said:

"And what are these property rights which are guaranteed and made safe by the Constitution? What an inseparable part are they of human rights? Is not the right to acquire, own, and enjoy property a part of human rights? Is there any such thing as personal liberty without it? There is a very large portion of the human family at this time who will tell you that liberty, family, happiness, and contentment were all lost in the selfsame hour that they lost the right to acquire property and to be secure in its enjoyment. The framers were wise enough to know and brave enough to declare that when you have made property rights secure, you have contributed incalculably to human rights and human liberty."

Yet, our State Department and Mrs. Roosevelt try to tell the American people that the right to own property is no serious omission from the covenant, and they have the audacity to say that the covenant in no wise departs from "the American way of life in the direction of communism, socialism, syndicalism, or statism."

But Dr. Charles Malik of Lebanon, the new Chairman of the Commission on Human Rights succeeding Mrs. Roosevelt, is more honest about this matter for within a comparatively short time after Mrs. Roosevelt's statement as issued by the State Department, he stated almost the exact opposite. (See September 1, 1952, United Nations Bulletin, p. 25.) Dr. Malik said:

"I think a study of our proceeding [in the Human Rights Commission] will reveal that the amendments we adopted to the old texts under examination responded for the most part more to Soviet than to Western promptings. For the second year an unsuccessful attempt was made to include an article on the right to own property. . . . The concept of property and its ownership is at the heart of the great ideological conflict of the present day. It was not only the Communist representatives who riddled this concept with questions and doubts but a goodly portion of the non-Communist world had itself succumbed to these doubts. A study of this particular debate will show the extent to which the non-Communist world has been communistically softened and frightened."

It is almost so fantastic as to be beyond belief that our American representatives in the United Nations were so "softened and frightened" as Dr. Malik suggests as to permit a so-called Covenant on Human Rights to be drawn without any provision for a right to own property. Now while the Secretary of State made the statement that there is to be no actual treaty on this strange un-American document, our representative at Geneva, Mrs. Lord, proceeded to continue to take part in the formulation of a Covenant on

Human Rights and to tell the people of the world we favored such a document but that the United States was sorry that it could not actually ratify the document as a treaty. However, don't forget—it will thus be put in final form for ratification and when some other Secretary of State feels so disposed, it can be offered to the Senate for ratification.

More fantastic than the covenant itself is the action of the Assembly of the United Nations at its closing session last year—voting affirmatively that where a state takes private property for public use, it is not under obligation to pay any compensation therefor. This socialistic or communistic theory of property is but a further development of the general theory of treaties and executive power as expressed in the dissenting opinion in the Steel Seizure case last year. This case is the most outstanding and alarming example of what the effect of treaties can be on our domestic law and upon the thinking of our judges.

Lawyers had generally recognized that because of the peculiar provisions of article VI of our Constitution ratified treaties of the United States are the supreme law of the land—overriding State laws and constitutions and even existing laws of Congress. This of itself constitutes a dangerous threat to American rights which needs correction by an appropriate constitutional amendment. But now the Chief Justice of the United States advances the extraordinary doctrine in his dissent in the Steel Seizure case that the United Nations Charter combined with other international commitments gives the President of the United States authority to seize private property—an authority nowhere granted to the President either by the Constitution or by the laws of the country.

The Chief Justice argued that when the Charter was adopted this country thereby accepted "in full measure its responsibility in the world community" and an obligation "for the suppression of acts of aggression." Consequently, when the United Nations called upon its members "to render every assistance" to repel aggression in Korea, the President was thereupon authorized to take every action to render that assistance. The Chief Justice specifically states: "Our treaties represent not merely legal obligations but show congressional recognition that mutual security for the free world is the best security against the threat of aggression on a global scale."

In other words, acting under the Charter, and treaties and agreements supplementary thereto, the President according to the Chief Justice has powers not granted to him by the Constitution, but moreover even denied to him by the Constitution. For, among other things, under section 8 of article I of the Constitution the Congress has the sole power "to declare war" and "to raise and support armies" and "to provide and maintain a navy"; and under the ninth amendment no person is to "be deprived of life, liberty, or property without due process of law; nor is private property to be taken for public use without just compensation."

The Chief Justice succeeded in getting two other members of the Supreme Court to join him in this alarming doctrine of treaties conferring extraordinary powers upon the President. If he had succeeded in getting two additional members of the Supreme Court to side with him, the United States would in effect then and there have ceased to be an Independent Republic and we would have been committed and bound by whatever the United Nations does or directs us to do. We would have had a full-fledged world government overnight, and this is exactly what may happen under so-called treaty law unless a constitutional amendment is passed protecting American rights and American law and American independence against the effect of treaties.

Examine this world government proposal for a moment. The wheel of history has

turned completely around. Many present-day Americans entertain strange thoughts and support strange doctrines in the fervor of pursuing their notions for world peace. As chairman of the Atlantic Union Committee, Mr. Owen J. Roberts, former United States Supreme Court Justice, speaking to a conference in Ottawa, Canada, last April 30, said:

"We must decide whether we are to stand on this silly shibboleth, national sovereignty."

We must, continued Mr. Roberts, yield national sovereignty to some "higher authority—call it what you will." In addition to giving this super-government authority to conduct a common defense—which means to put the United States into war anywhere at any time—Mr. Roberts said we must also give it the power to make "such economic adjustments as are necessary to put the people of all the member countries on an equal level." In plain English, Mr. Roberts' second provision means we would give the super-government absolute control of business, industry, prices, wages, and every detail of American social and economic life.

Our forefathers fought a revolution for what Mr. Justice Roberts calls the silly shibboleth of national sovereignty. They fought to become an independent nation; they fought for the right to be governed by laws made by their own elected representatives; they fought not to be taxed by or for the foreign policy of Europe or any other part of the world; they fought to be free from many other grievances not the least of which was the claim of the British Crown to transport them overseas for trial.

If you will turn to the Declaration of Independence you will find a full list of their grievances. But now with the turn of the wheel of history and through the United Nations affiliated organizations our laws are to be made by and through treaties concluded in international conferences where the representatives of other nations have a majority voice in what these treaties shall cover both as to language and content. Hence we are to be governed in our local affairs by laws and concepts agreeable to a majority of the other nations of the world. Moreover, we are taxed to pay the expenses of these new lawmakers for we pay a very large part of the expenses of the United Nations and its various agencies. Under the provisions of the Genocide Convention and the proposed new treaty for an International Criminal Court, our citizens are even to be transported overseas for trial. Make no mistake about it. This and much more is the program of those who would govern us by treaty law.

I want to lift the curtain for you tonight and give you a glimpse of a little-known program in the treaty field that is designed to control many of the most intimate relationships of our private life. It is fantastic and just being brought out into the open. At the recent hearings here in Washington, D. C., last month before the subcommittee of the Senate Judiciary Committee, with respect to the proposal for a constitutional amendment to protect American rights against the dangers of treaty law, Mr. W. L. McGrath, representing the United States Chamber of Commerce and the National Association of Manufacturers at the International Labor Organization (ILO) meetings in Geneva for the past 4 years, testified to some of the provisions for a proposed treaty on motherhood. Needless to say, Mr. McGrath voted against these treaties, but our State Department representatives voted for them. Here are some of the matters incorporated in these treaties and to be made domestic law throughout the world, including the United States.

In the treaty on motherhood, if a mother is unable to furnish her own milk for her baby and has to buy it, the government is to buy it for her. But if the government fails to buy cow's milk for one mother, that is not fair to the mother who suckles her own child,



to local self-government, and on the principle that these rights are inherent in the individual citizen and are not a grant from government. Therefore in history we had frequently heard of the divine right of kings, but never of the divine rights of the people. Governments had accorded freedom to the individual citizens and local self-government to the people only when forced to do so or if the sovereign for the time being felt so inclined. The previous concept of the scope and power of a national government was that it had inherent powers of its own and might grant or withhold rights to the individual citizens as it saw fit. But by our Constitution and by our Bill of Rights only certain specific and limited functions were conferred upon the officials of our National Government. It was to be a government of delegated powers only and the people by the Constitution and Bill of Rights forbade and intended to forbid the Federal Government from doing anything but that authorized by the Constitution and not permitted under the prohibitions of the Bill of Rights.

Many of the high officers of government and some of the press in this country and certain columnists and radio speakers completely ignore the basic fact that the Government of the United States is and was intended to be a government of law and of constitutional restraints and not a government of men.

We know that even the framers of the Constitution were in disagreement on certain points both of substance and of language in connection with the treaty clause and that compromise was resorted to in order to get an instrument of constitutional government completed and adopted. It was recognized that the supremacy doctrine of article VI might require amendment (A. G. A. J. September 1951). Article VI, as you know, contains the broad provision that "... all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Thus, under our present Constitution, a ratified treaty, if self-executing, becomes law in this country without any action by the Congress or any legislation whatever. In this respect we are unlike any other important country in the world. One of the things the proposed constitutional amendment is designed to do is to put the United States on a parity with other nations so that treaties will not make domestic laws for the citizens of this country until implemented by valid legislation. This is a purpose of the amendment in addition to the making of treaties ineffective and invalid insofar as they conflict with any provision of the Constitution.

In the early years of the Republic and practically until the organization of the United Nations the treaty supremacy doctrine of our Constitution whereby treaties are law without any act of Congress posed no great threat to American rights and the American form of government because treaties were confined to their traditional purposes and were used for such matters as the settlement of some specific dispute between nations or to make alliances or to deal with commercial and trade relations. Furthermore they were negotiated and also drafted by experts who understood the law and language of treaty-making and who were appointed for the negotiation of a particular treaty between nations, actually involving some particular dispute or a particular matter requiring settlement. Now under the broad grant of power to the Economic and Social Council under the Charter of the United Nations, the Economic and Social Council, whose members have highly diverse concepts of law and government as well as of economics, can propose practically any kind of a treaty—worldwide as to scope and as to

parties and all-comprehensive as to subject matters. The Council or its commissions may sit continuously and think up new proposals in the form of declarations, treaties, and pacts as to anything in the world and as to all nations everywhere touching the internal affairs of all nations as to any economic, social, humanitarian, educational, cultural, or health matter. The power of the Economic and Social Council rests on the grandiose theory that world peace may be achieved if somehow economic and social conditions are by treaties put on an expressed equality throughout the world, even though to do so may bring the more advanced nations down to the level of the backward nations in rights in legal concepts, and in form of government as well as in economics and in other internal affairs. Under this grandiose grant of power to this particular agency of the United Nations, "the humanitarians" in the Economic and Social Council immediately went to work not to achieve peace but to reform and to remake the world by trying to tell each and every nation how to conduct its own internal affairs and by putting us all in the straitjacket of international socialism.

One of the first documents produced under this program of worldwide reform was the so-called Declaration of Human Rights, approved by the United Nations Assembly in Paris in December 1948. This declaration in many respects is a paraphrase of the Russian Constitution, and among other things, is a complete blueprint for socializing the world, including the United States. The state is to guarantee everything. Article 22 provides that everyone has the "right to social security"; article 23—that everyone has the right to "just and favorable conditions of work and to protection against unemployment" and that everyone has the right to "just and favorable remuneration." Article 24 provides that everyone has the "right to rest and leisure, and periodic holidays with pay." Article 25 provides that everyone has "the right to food, clothing, housing, and medical care and necessary social services" and the right to security in the event of unemployment, sickness, disability, widowhood, old age, without any provision that he shall work for it or help establish a fund to pay for it. Put these, or similar pronouncements in treaty form, ratified only by two-thirds of the Members of the Senate present and voting, and you have a few pages of treaty language transforming the Government of the United States from a Republic into a completely socialistic state. In this socialistic utopia of the Government taking care of everything and everybody, I wonder if any of the enthusiastic drafters or supporters of the declaration ever read the Apostle Paul's Second Epistle to the Thessalonians (II Thess. 3: 10, 11, and 12). Paul, writing to the Thessalonians, said:

"If anyone will not work, let him not eat. For we hear that some of you are living in idleness, mere busybodies, not doing any work."

"Now such persons, we command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living."

The declaration contains a goodly number of other provisions adversely affecting our system and concept of a constitutional government and also affecting our own internal affairs. For example, our Federal Constitution provides that nobody shall be elected to the office of President or Vice President except a natural-born citizen of the United States. The Declaration of Human Rights (art. 21, sec. 2) provides "Everyone has the right to equal access to public service in this country." This would make Harry Bridges or any other naturalized citizen eligible to the office of President or Vice President.

Again, our Constitution vests full power in Congress to control immigration, but by ar-

ticle 14, section 1, of the Declaration of Human Rights, "Everyone has the right to seek and to enjoy in other countries asylum from persecution." This is incorporated in a treaty, the right to asylum would be to all nationals of all nations of the world, and what right then would a mere Congress have, by immigration laws or otherwise, to prevent such persons from entering the United States? This could mean that in times of revolution in Cuba or Mexico or India or elsewhere thousands of aliens might legally claim a right of asylum here. In view of the attacks made on the McCarran-Walter immigration bill, there are those in this country even in high places who believe that the United States should be a place of asylum for all displaced persons from everywhere in the world.

Now I understand full well that the declaration has always been advertised as being only a declaration of aspirations and not a legal document. But the State Department (see its brief filed in *Shelley v. Kraemer* (334 U. S. 1, 92 L. ed. 1161)) and some of our courts have already expressed the view that the declaration is an authoritative interpretation of the economic and social provisions of the Charter, which itself has been ratified as a treaty, and in this respect the declaration and the Charter have already had a direct effect on official thinking and particularly on judicial thinking in this country. Witness *Fujii v. State* (217 P. 2d 481 (the California alien-land case)), and *Perez v. Lip-pold* (198 P. 2d 17 (the mixed-marriage case)). Also witness the opinion of the Chief Justice of the United States in the Steel case last year, to which fuller reference will soon be made.

Whatever difference of opinion there may be as the alien-land case and the mixed-marriage case, and the steel-seizure case, the sponsors of the declaration, after having sold it to the American people on the basis that it was only a declaration of aspirations, immediately began implementing all its socialistic and other so-called aspirations in a legally binding covenant on human rights.

Mr. Dulles now says that the present State Department does not propose to ask for ratification of a covenant on human rights as a binding treaty. But what about succeeding State Departments? Can we even be sure that the present State Department will not succumb to the enormous pressure of the internationalists in and out of this country to have a treaty or covenant on human rights? However, regardless of Mr. Dulles' disclaimer, I propose to say a few words about the covenant, for according to the United Nations Bulletin of March 1, 1952, it is still the declared purpose of the United Nations to have the Covenant on Human Rights ratified as a treaty and legally enforced through the organization of international courts. The purpose of the internationalists from the beginning has been to move step by step—first so-called aspirations in the form of a declaration, then ratification of these aspirations in treaty form, then international courts to enforce what was originally said to be only aspirations. Thus our internal rights under our own Constitution and Bill of Rights are to be undermined step by step and will continue to be undermined unless the American people shut off this insidious process by an appropriate constitutional amendment. A mere statement of disclaimer by the present Secretary of State is not the answer.

This step-by-step process of leveling out our fundamental rights concerns such basic Americans rights as freedom of speech and freedom of press and involves many of our other basic freedoms. The present United Nations Draft Covenant on Human Rights contains about 9,000 words. It is a perfect Tower of Babel of words. But in all its 9,000 words there is not one word regarding the basic American right to own property and be secure in its enjoyment.



Now in this same connection I want to say a few words about that portion of the press and those commentators (press and radio) that are still opposing a constitutional amendment to protect American rights against the dangers of "treaty law." I do not know how this portion of the press and commentators similarly minded feel about Mr. Dulles' abandonment of Genocide and the Covenant on Human Rights, but some, largely led by the Washington Post, the New York Times, and my friend and fellow Rhodes scholar, Elmer Davis, have been greatly troubled in mind and spirit—but this much can be proved by the record, that except for the studies of the American Bar Association, the proposed Convention on Freedom of Information and the provisions in the Covenant imposing drastic and un-American restrictions on freedom of press and freedom of speech would have destroyed free speech and a free press as we know them and enjoy them in America under the first provision of our own Bill of Rights. The record shows that the portions of the press and those commentators above referred to were all ardent supporters of the Convention on Freedom of Information and the Covenant on Human Rights. One is tempted to say, in the language of Edgar Bergen, "You Mortimers of the press and radio, how can you be so stupid?"

Under such treaties and the proposed International Criminal Court, newspapermen, radio speakers, and others could be tried for criticizing Peron and Tito, or even Malenkov, if it was charged that the criticism "aggravated" our international relations and this fact would be exclusively determined by the international court.

Prominent newspapermen participated in urging the Convention on Freedom of Information—there are many I could name. Many other newspapermen were merely apathetic and took little interest in what was being proposed in these international proposals to curb freedom of press. The American press should be forever thankful to the American Bar Association in this matter. This also applies to radio speakers and commentators. Examine the report of the Hutchins commission on the freedom of the press, which was received with approval by a number of newspapermen of the country who are now opposing the constitutional amendment and see what was proposed there with respect to these so-called appropriate curbs and limitations on freedom of the press. They are very similar to the curbs and limitations in totalitarian countries.

Although Mr. Dulles now abandons ratification of the Genocide Convention and ratification of a Human Rights Covenant, he says nothing whatever about abandoning the proposed Convention for the Establishment of an International Criminal Court for the trial of American citizens in time of peace for alleged offenses committed in the United States, and by an international court made up largely, if not entirely, of foreigners—in which an American citizen could be tried in a foreign country without right of trial by jury, presumption of innocence, or the other important constitutional safeguards that are afforded Americans when tried in their own courts.

One of the so-called international crimes for which it is proposed to try an American in such a court is that of unfairly criticizing the personalities or policies of a foreign government, where it is charged that such criticism is unfair and disruptive of cordial international relations. This could, of course, easily mean that speakers and writers and editors of newspapers in this country could be imprisoned, as Mr. Oatis is now imprisoned in Czechoslovakia for criticizing the status quo there. The proposal is to extradite Americans from America for some such so-called international offenses alleged to be committed in this country, and to try them in a foreign country. Can anyone imagine a

more brazen and flagrant treaty proposal for violating our constitutional rights of freedom of speech and of press?

Mr. Dulles says nothing about the present administration abandoning the proposed Convention on the Gathering and International Transmission of News and Right of Correction, which would also place restrictions on obligations on freedom of speech and freedom of press, and subject American citizens to trial for so-called international crimes in the proposed international court. The former administration indicated it did not favor this convention in its present form.

Mr. Dulles also says nothing about the present administration abandoning the proposed treaty with Israel recently transmitted to the Senate of the United States. This treaty provides that the nationals of either country shall not be barred from practicing their professions in the other country by reason of being aliens. Under the "most favored nation clause" included in many existing treaties to which the United States is a party, such a provision in the Israel Treaty would be automatically applicable to the nationals of a very large number of other countries. One of the fundamental salutary characteristics of the legal profession in this country is that a lawyer is an officer of the court and generally must take an oath to support and defend the Constitution of the United States. No alien would be in a position to take such an oath and comply with it.

Mr. Dulles says nothing about abandoning the official State Department declaration announced by its official bulletin in September 1950, that "there is now no real difference between domestic and foreign affairs"—under which declaration or doctrine all our domestic rights and freedoms and laws become the subject of international negotiations and, hence, the subject of treaties under which our rights and freedoms can be modified or bartered away for some so-called international purpose, as each and every administration may think it necessary for global defense or world peace. I am devoting some attention in my pamphlet soon to come off the press to this great fallacy that American domestic rights and freedoms must be modified or bartered away under the delusion that somehow world peace may thereby be achieved.

Edmund Burke once pointed out, "The people never give up their liberty but under some delusion."

One great delusion for the moment is that many Americans seem to think we can save the world and achieve world peace by giving up American rights and American independence.

Mr. Dulles says nothing about abandoning some 200 other treaties being spawned in the United Nations, or by the numerous ILO (International Labor Organization) treaties that would effect many basic rights of American citizens and change the relationship, as fixed by our Constitution, between the States and the Federal Government. Under the present constitutional situation as announced by Mr. Dulles in his Louisville speech last year, all these various treaties—and any others that may be thought up by the eager internationalists—affecting our civil, social, and economic rights, could become the supreme law of the land; in fact, Mr. Dulles says, "more supreme than ordinary laws."

Generally Mr. Dulles admitted, in his statement before the Judiciary Committee of the Senate, that all these various proposals in the United Nations occasioned a legitimate concern on the part of the citizens of this country because, as he frankly stated, they may impose upon our citizens conceptions regarding human rights alien to our traditional concept. But now the distinguished Secretary opposes any constitutional amendment for the protection of the citizens of this country and for the protection of the basic concepts of the Republic,

and instead he asks that the Senate Judiciary Committee and the Senate and the Congress of the United States and the citizens of this country accept his assurance that, at least in certain of these matters, the present administration will not make treaties. He asks that we accept this personal assurance in the face of his public and solemn declaration, as a constitutional lawyer, made before a regional meeting of the American Bar Association at Louisville, Ky., on April 12, 1952, as follows:

"The treaty-making power is an extraordinary power liable to abuse. Treaties make international law and also they make domestic law. Under our Constitution treaties become the supreme law of the land. They are, indeed, more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty law can override the Constitution. Treaties, for example, can take powers away from the Congress and give them to the President; they can take powers from the State and give them to the Federal Government or to some international body and they can cut across the rights given the people by the constitutional Bill of Rights."

Was there ever in the whole history of America such a specific instance of asking the American people to rely upon a government of men instead of a government of law and appropriate constitutional restraints? Was there ever in the whole history of the legal profession in this country such a strange case of a plea in confession and avoidance?

What the Secretary's "plea" amounts to is that the alert citizens of this country and the more than 80 United States Senators having come into the court of public opinion with a charge that these proposed treaties are dangerous to American rights, the Secretary admits the charge and admits that the concern is "legitimate," and yet, when a constitutional amendment in the nature of a restrainer or permanent injunction to protect American rights is advocated, the Secretary says: "Yes; your concern is legitimate and we admit, in addition, that not only the laws of the country but the Constitution itself can be overridden by treaties; but you should not urge a constitutional amendment to prevent all these manifold dangers of treaty law because the present administration is going to see that you are not hurt by this treaty law, and, as a token of our attitude in this matter, we are going to abandon any further attempt to secure a ratification of the Genocide Convention or the Covenant on Human Rights."

It is Mr. Dulles himself that has made the greatest argument in favor of a constitutional amendment and the necessity of phrasing one that will be adequate and appropriate. Mr. Dulles' Louisville declaration of the omnipotent power now inherent in the treaty-making process will become the easy basis, platform, and springboard for the so-called man-on-horseback to legally rule this country by treaties, executive agreements, and executive decrees. Mr. Dulles, more than any other man in the United States, has pointed up the necessity of a constitutional amendment and the necessity for it has now become more important than any other matter engaging the attention of the officers of our Government.

Now in order to fully understand the perils of treaty law and its threat to basic American rights and to the American form of government, and to appreciate the necessity for a constitutional amendment, it is necessary to review briefly the nature of the American form of government as a constitutional republic.

Until the adoption of the United States Constitution, never before in the course of history had any government anywhere been organized on the principle that the people as individuals are endowed by their Creator with certain inalienable rights as to life, liberty, and property, including the right

radically different treaty policy from that pursued in the past. Secretary of State Dulles has declared that the United States will not sign the United Nations draft Covenants on Human Rights. In addition, he has announced that the treaty-making power will not be used to achieve "internal social reforms" or to regulate what are "essentially matters of domestic concern." This is precisely the treaty-making policy which your great organization has long advocated.

Whatever criticism you may care to express concerning the administration's opposition to Senate Joint Resolution 1, it should be tempered with the realization that this administration has reversed a very dangerous treaty policy.

My pleasure in welcoming you to Washington is enhanced by the fact that I shall be able to hear your principal speaker of the evening, Mr. Frank E. Holman. As I have pointed out many times, my own realization of the dangers of treaty law stemmed directly from the articles written by Frank Holman for the American Bar Association Journal. Since that time leaders of the American Bar Association and I have worked independently in trying to write an appropriate text for a constitutional amendment. With the passage of time, our ideas have tended to merge in a common text. I am confident that the Senate Judiciary Committee will report a text which the Daughters of the American Revolution, the American Bar Association, the 63 sponsors and I can give whole-hearted support.

I could not extend a more appropriate message of greeting to your 62d Continental Congress than to recommend as a model for your public affairs activities Frank Holman's great crusade for a treaty clause amendment.

It proves the value of anticipatory action. Too often a threatened danger seems to remote that the people are not alerted in time. He has proved what one determined individual can do when he concentrates on essential goals and refuses to waste time on low-priority targets.

Frank Holman has proved the value of painstaking research, and of a long and carefully prepared campaign of education. It is almost criminal the way so many worthy causes are hurt because their supporters are inattentive or ill-informed.

We must not hesitate to give generously of our time and money to see that the American people secure permanent protection against abuse of the treaty power. The Bill of Rights must be extended to treaties and the Constitution must be preserved against unlimited treaty power.

The one indispensable requirement for such service as Frank Holman and the American Bar Association have rendered is a patriotic love of America and its form of government. That you have in ample measure. You need only to act on the inspiration of the love. If we preserve the inalienable rights of our people in the spiritual realm and never permit their transfer to the temporal power of government, either our own or any international power, our country will fulfill its great destiny, preserving the liberty of mankind and man's God-given right to govern himself.

#### THE TREATY POWER OF THE UNITED STATES THE TREATY POWER OF THE UNITED STATES THE TREATY POWER OF THE UNITED STATES

(By Frank E. Holman)

I am glad to be here and to have the opportunity of addressing you and your great patriotic organization on this, your National Defense Night. It was almost exactly a year ago that I had the honor and the privilege of speaking at the annual dinner of the Sons of the American Revolution in Houston, Texas. My theme is much the same tonight as it was a year ago though I approach it under a different title and bring the subject matter up to date. In fact, my theme and

purpose for the last four years has been, in one form or another, designed to alert the American people to the dangers of what has been called treaty law.

As we meet here tonight America faces many perils and many threats. It is no mere matter of emotion or rhetoric to say that our individual freedoms and our form of government are challenged as never before, and on many fronts. Some would doubtless say that communism is the greatest threat to American freedom. Certainly we have tolerated the high priests of this subversive and atheistic ideology in many places—in our schools and in our colleges, in the professions and in business, and in the policy councils of the Federal Government and in the United Nations.

Americans are characteristically a kindly people and hence a tolerant people. But you cannot successfully fight a militant, anti-American ideology with tolerance and kindness. America during the last few years has almost been crucified on a cross of tolerance and appeasement. This policy of tolerance and appeasement has produced for us many disastrous Yalta and Potsdam and will produce many more unless we recognize that in basic matters tolerance is not a virtue but only a snare and a delusion.

I have frequently been criticized by World Federalists and others as being intolerant of the point of view of world-minded enthusiasts. It is a favorite technique on the part of the Communists, fellow travelers, one-worlders, and others to try to get one to admit that there are two sides to every question, and often in a spirit of tolerance most Americans feel they must admit there are two sides to every question. But I remind you there are certain basic issues in life where one should refuse to tolerate the opposite point of view. For the American at least, there are not two sides to certain basic questions.

For example, are there two sides to the proposition, "Thou shalt not steal"—or "Thou shalt not bear false witness against thy neighbor"—or "Thou shalt not commit adultery"? No more are there two sides to the proposition that thou shalt not undermine the Constitution of the United States or that thou shalt not undermine and destroy the American form of government or the loyalty of our citizens to the American concept of government. On such questions, if I may use a seeming paradox, tolerance is not to be tolerated.

We have not only tolerated Communists and fellow travelers in high places but we have tolerated inefficiency and corruption involving both personal and public dishonesty. A facet of this dishonesty has been the resort to double talk and half truths on the part of our public officials. Some, therefore, may well say that dishonesty and corruption, double talk and inefficiency in Government are the greatest threats to the Republic. On the other hand, some will say that inflation and the dishonest dollar is the greatest threat. Relatedly we have come to recognize these perils of communism, dishonesty in its various forms, inefficiency and even inflation, and are beginning to meet them head on instead of casually tolerating them. Where perils are recognized for what they are and are brought out into the open and are being realistically and understandingly combatted the danger from them is less great than where a peril is not yet fully recognized by the high officers of government and by the press and by the American people. This I am afraid is still true of the dangers of "treaty law."

The distinguished Secretary of State, Mr. John Foster Dulles, in his recent appearance before the Senate Judiciary Committee, announced a switch in the Government's foreign policy which occasioned a lifting of eyebrows in many quarters. Mr. Dulles stated among other things that the present ad-

ministration does not intend to become a party to any Covenant on Human Rights or present it (the covenant) as a treaty for the consideration of the Senate. He also said: "This administration does not intend to sign the Covenant on Political Rights of Women." Mr. Dulles also indicated that the present administration would not press for the ratification of the Genocide Convention.

Prior to his appearance before the Judiciary Committee on 11 a. m. on April 6, 1953, Mr. Dulles had been an ardent supporter of the United Nations and its efforts in the field of so-called human rights. He was particularly sure that the Genocide Convention was a great humanitarian document and should be ratified. He had so far supported the Genocide Convention as to publicly chide and upbraid the American Bar Association in September 1949 for opposing the ratification of that treaty. He gave a public interview at that time so intemperately criticizing the American Bar Association that on September 9, 1949, as president of that association I felt compelled to send him a wire pointing out that he had not given lawyer-like consideration to the matter. He was not alone in this. I received wires from other prominent New York City lawyers protesting against the action of the American Bar Association in opposing the Genocide Convention. I had great pressure brought on me at the time as president of the American Bar Association—even a direct emissary from President Truman. Now the truth is, in my opinion, that none of these gentlemen had sufficiently studied the Genocide Convention and its impact on American rights to understand its meaning and implications. This was also true of the provisions of the proposed Covenant on Human Rights and the proposed Convention on Freedom of Information—all of which "treaty proposals" have now been abandoned by the State Department—at least temporarily.

The Convention on Freedom of Information was abandoned late in the Acheson administration. Now, why have they been abandoned? Because their former ardent supporters have at last adequately studied them? Or have they been abandoned because great patriotic organizations like the Daughters of the American Revolution, and the American Legion, and the American Bar Association, and many others throughout the country have so exposed these and other treaty proposals that as a strategic retreat to try to defeat the great national movement for a constitutional amendment these former ardent supporters of the whole United Nations treaty program now say they do not intend to press for ratification by the United States of certain of these treaty proposals. I am publishing a fully documented pamphlet, which will be off the press in about 10 days, more fully dealing with this recent switch of strategy in State Department policy.

That the switch has been recent or hurried is indicated by the following fact:

As late as December 29, 1952, in order not to misquote his views in a public address I was to make on January 29, 1953, I wired and wrote Mr. Dulles to ascertain whether he had changed his position on the Genocide Convention, and in view of his strong statement at Louisville on the dangers of "treaty law," to get an expression of his attitude on the need for a constitutional amendment. To date I have received no answer thereto, except for a gracious acknowledgment by one of his secretaries in the Commodore Hotel, New York City.

Therefore, it would seem clear that the distinguished Secretary of State must have made his switch regarding ratification of the Genocide Convention some time shortly prior to his appearance before the Senate Judiciary Committee on April 6, 1953. Otherwise it would only be natural and courteous for him to have answered my letter.



large opportunity. It would be difficult to imagine a better speech at this time in the affairs of nations.

The President spoke to his own people, to all resisting Communist aggression, and to the new Russian leaders.

#### ULTIMATE DEMANDS

There was not one iota of bluster, of sword-rattling, or of insult to the Communists. There was not a trace of compromise with less than an absolutely secure and just peace.

His words were conceived in such apparent dedication to man's welfare and compassion for the tragic world of man's own making that there is no room for quibble with his vision. His is the largest view. And he demanded that in every case the Communists perform the ultimate in deeds dependent upon good faith.

Mr. Eisenhower said we hope for a united Korea founded on free elections, a united Germany founded on free elections, a withdrawal of Communist guerrillas in Indochina and Malaya, and for the return by Russia of World War II prisoners.

#### DIPLOMATIC BRILLIANCE

Much is said of the importance of "diplomatic initiative." The Eisenhower speech is a stunning lesson in diplomatic initiative. It is now all up to the Russians to perform. Any words they speak without performance will ring with the ridiculous. And Mr. Eisenhower spoke with a tact that is new in United States addresses to the Russian bosses. In every way he held the door open for concrete action.

He made no bargain with principles. The only bargain he offered was the bargain of disarmament. After the world has agreed upon a foolproof system of disarmament, the President said, the United States is ready to contribute generously to a world reconstruction fund to fight the battle, not against man, but against human want and misery.

No President has yet outlined the responsibilities facing the American people and all peoples with such large vision, or with such firm beliefs that these goals are within our power to achieve.

#### Rent Control

#### EXTENSION OF REMARKS

OF

HON. PAUL B. DAGUE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 21, 1953

Mr. DAGUE. Mr. Speaker, under leave to extend my remarks in the Appendix of the Record, I am pleased to include a letter which has just come to me from one of my valued constituents who has made a survey of the rent situation in my hometown. Downingtown, Pa., was one of the municipalities in my congressional district which permitted rent control to lapse last September. Those who protested such action claimed that rents would skyrocket, but the information now at hand indicates that the average increase was only approximately \$3 per month, or percentage-wise an increase of 11 percent. These facts, I think, completely explode the theory that the removal of rent controls will precipitate mass eviction or the gouging

of tenants by their landlords. My correspondent's letter is as follows:

DOWNINGTOWN, PA., April 14, 1953.

HON. PAUL B. DAGUE,

House Office Building,  
Washington, D. C.

DEAR PAUL: Since Downingtown is the largest town in the county which was freed from rent controls on September 30, I thought it would be interesting to make a survey to see what the increase would be.

In conducting this survey, I have rents covering 106 houses and apartments in Downingtown. The lowest rent is \$12 per month and the highest is \$90 per month. The total monthly rents collected as of September 30, 1952, were \$3,226.25 and as of March 31, 1953, 6 months after controls ceased, the total monthly rents were \$3,582.15 or a percentage increase of 11 percent. You will also notice that the average rental was approximately \$30 per month and that the average increase in dollars was only approximately \$3. This survey certainly shows there was no mass eviction or gouging by landlords as was predicted by the proponents of continued rent control.

I am hoping that since rents are the only thing that is still controlled that these will be permitted to find their own level as they have done here in Downingtown.

Sincerely,

EVERETT J. HOOPES.

#### Dangers of Treaty Law, or the Greatest Threat to American Freedom

#### EXTENSION OF REMARKS

HON. FRED E. BUSBEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 1953

Mr. BUSBEY. Mr. Speaker, it was my privilege and honor to be the guest of the 62d Continental Congress of the Daughters of the American Revolution on Tuesday, April 21, 1953, at its meeting which was designated as National Defense Night.

Under permission previously granted me, I am indeed proud and happy to insert in the CONGRESSIONAL RECORD the address of welcome delivered by one of the finest, most patriotic and Christian statesmen who have served in the United States Senate, the Honorable JOHN W. BRICKER, of Ohio; together with the speech entitled, "Dangers of Treaty Law, or the Greatest Threat to American Freedom," which was delivered by Mr. Frank E. Holman, past president of the American Bar Association.

Every God-fearing patriotic citizen of our beloved country should have knowledge of and appreciate the wonderful work Mr. Holman has been doing, at a great personal sacrifice, to arouse the American people to the dangers of treaty law to the sovereignty of the United States.

Mr. Speaker, the least that those of us who believe in this crusade so ably led by Mr. Frank Holman can do is to give him our continuous support in his efforts to awaken every individual and organization to the dangers of treaty-making powers which could jeopardize the fundamental rights to freedom of all segments of our population.

The above-mentioned follows:

#### STATEMENT OF SENATOR JOHN W. BRICKER TO THE 62d CONTINENTAL CONGRESS OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

It is a very great honor to be given the opportunity to deliver the message of greeting to this convention of one of America's most respected patriotic societies.

You are meeting here in Washington with a new administration in power. You have not had that experience for more than 20 years. It is only natural, therefore, that you should seek tangible evidence of the changes in government promised during the campaign last year.

There are some who assert there has been little change. This view, I submit, is a dangerous over-simplification. If, during the course of your deliberations in this 62d Continental Congress, you will probe beneath the surface of our vast bureaucracy, I think you will find momentous changes in the making. To render an accurate report to your State and local chapters, you must understand why the visible evidence of change is so slight. For purposes of illustration, I shall refer to the administration's position in regard to our proposed constitutional amendment to safeguard the exercise of the treaty-making power sponsored by 64 Democrats and Republicans.

First, mistakes have been made. They will continue to be made until a back-log of understanding and experience is developed. The most serious mistake, in my judgment, is the administration's belief that an unlimited treaty-making power is essential to the conduct of the Nation's foreign policy. When such power proves unnecessary in practice, the desire to retain it should disappear. After all, if Mr. Dulles can vividly describe the dangers of the treaty power as a private citizen in 1952 and then minimize those same dangers as Secretary of State in 1953, who can say that he will not switch back to his original position in 1944?

Second, many of the policymaking positions in the Executive branch are filled by hold-over personnel. This situation could not be corrected overnight without bringing vital governmental operations to a complete standstill. Changes in the State Department may be reflected ultimately in a more enlightened view concerning the treaty power.

Third, it is characteristic of every incoming administration to believe for a time that it has a mandate from all the American people. As a consequence, we find in the early days of each new administration an effort to please all the people all the time. The suggestion that a bipartisan commission be created to study the treaty-making power is one indication of this attitude. Every new administration eventually realizes, however, that its mandate comes from a majority of the voting population and that it is political suicide to ignore the strong convictions of that majority in an effort to win the favor of a small segment of the opposition. Since the voting groups which supported the administration in the last election favor by an overwhelming majority the adoption of a treaty control amendment, I am confident the administration will eventually be responsive to their views.

Fundamental principles in regard to the nature of government cannot be compromised. The proposed amendment to limit the treaty-making power is such an issue. If the treaty-making power remains unlimited, we live under a Constitution of unlimited power. It will be too late to proclaim our inalienable rights once they have been alienated by an exercise of the treaty power never intended by the Founding Fathers.

We have an administration dedicated, I believe, not to imposing its will on the people but anxious to effectuate their wishes. Already, the new administration has heeded the voice of the people by announcing a



that will only end wars but end as well that mindless violence which terrorizes our society even in times of peace.

We can no longer afford to make little plans, allow ourselves to be the captives of events and forces over which we have no control, consult our fears rather than our hopes. We call upon the American people, on the threshold of the third century of their national existence, to display once again that boldness, enterprise, magnanimity and vision which enabled the founders of our Republic to bring forth a new nation and inaugurate a new era in human history. The fate of humankind hangs in the balance. Throughout the globe, hearts and hopes wait upon us. We summon all Mankind to unite to meet the great challenge.

#### QUESTIONS AND ANSWERS

What is "A Declaration of Interdependence?"

"A Declaration of Interdependence" is both (1) a statement of a global view authored for the World Affairs Council of Philadelphia by Henry Steele Commager and (2) a 13-year, Bicenennial Era educational program of discussion, debate and study by professional leaders, citizen groups and students designed to produce American initiatives which respond to new global interdependencies.

Where did the Concept of "Interdependence" Originate?

The recognition of the inescapable fact that many of mankind's problems—and opportunities—extend beyond national borders has been developing rapidly through this century. Both Presidents Kennedy and Ford have called for "Declarations of Interdependence" in speeches delivered in Philadelphia. Many groups have issued interdependence statements, and the term has become increasingly used to describe the contemporary interrelationships of peoples and nations. The World Affairs Council accordingly calls the Commager document "A Declaration of Interdependence."

Why an "American Response?"

The World Affairs Council recognizes that solutions to global problems depend ultimately on the cooperation of many nations. However, it seemed appropriate during this Bicenennial period for Americans to take stock of their role in the world and to redefine their manifest destiny in contemporary times.

Is the New Declaration a Substitute for the Old?

Of course not. The Declaration of Independence remains one of the most powerful and relevant statements ever produced by any people. It clearly serves as an inspiration to those who now wish to challenge such tyrannies of our age as global inflation, escalating armament, international terrorism, intercontinental pollution, and disastrous imbalances of food and population.

Does "A Declaration of Interdependence" Call for Specific Political Action?

No. It asserts that we are economically, environmentally, culturally and in other fundamental respects interdependent. Consequently, if we seek to solve a problem which is global as if it were purely domestic, we will achieve at best only a short term solution. The Declaration challenges Americans to understand today's world and to devise ways to cope with interdependence. What these ways are to be must be decided by Americans through the various political processes of our democratic system.

Does the Declaration look toward a World Constitution and/or Government?

No. Without debating the pros and cons of world government, it is not an objective of "A Declaration of Interdependence." World order and harmony do not depend on a single world government or constitution, but they do depend on various international agreements and authorities which nations agree to establish for their common benefit.

The absence of effective agreements in many areas today constitutes a major threat to world stability and progress.

Why Philadelphia as a Center for Interdependence Activity?

Philadelphia is not only an historic shrine and symbol of a people's genius in creating a new nation, but increasingly a world center for international conferences, study and institution-building. Its heritage, educational and research institutions, its geography and cultural character have combined to make it a major center of interdependence investigation and initiative.

How can Citizens and their Organizations Respond to Interdependence?

They can identify one or more of the global problems, then study, discuss and debate them as fully as possible. They can then communicate their thinking to governmental representatives and non-governmental organizations in the field.

What is the Objective of "A Declaration of Interdependence?"

The World Affairs Council hopes that its program will (1) contribute to increased understanding of global problems and (2) stimulate efforts to strengthen existing international institutions or initiatives to create new institutions capable of dealing effectively with those problems.

#### URUGUAY TORTURE CHAMBER OF LATIN AMERICA

Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.

Mr. KOCH. Mr. Speaker, Uruguay, which used to be the Switzerland of Latin America, has become its cesspool. The appended report of Amnesty International tells you why. What the report does not tell you is how much aid, military and economic, we are giving that dictatorship. In 1975 we spent roughly \$10 million in military assistance to Uruguay, and an additional \$7.7 million of economic assistance in our AID program.

The blood of those tortured prisoners is on our collective hands. The report follows:

TORTURE, DEATH IN URUGUAY: 22 CASES

Uruguay has long been known as a democratic island in Latin America. This small country of 2,500,000 people has maintained a constitutional tradition, political stability, and a high level of education and culture. All of this has changed.

Beginning in the 1960s the military shattered the established traditions. Their persistent involvement in the political life of the country over a period of two years led inexorably to their assumption of absolute control over the executive. The elected civilian President, Juan Maria Bordaberry, willingly yielded his effective power to the Armed Forces. The name for what has happened is the *autogolpe*—the "self-coup." Compared with the immediate military takeovers in other countries, the *autogolpe* was gradual. The *autogolpe* was the first coup in Uruguay during this century.

The total number of political prisoners in Uruguay has been estimated at between 3,000 (by Newsweek, June 2, 1975) and 6,000 (by Uruguayan exile groups). Amnesty International believes that there are approximately 5,000 political prisoners in the country. What that means in a country the size of Uruguay is startling. As of December 1975, one out of every 50 citizens was a detainee on political charges.

Uruguay has the highest concentration per capita of political prisoners in the world. Approximately one out of every 50 citizens sometime in the past suffered from inter-

rogation, temporary arrest or imprisonment. And what is the ratio between persecuted and persecutors? One out of every 50 Uruguayan is a member of the Armed Forces or the police. Due to the political and economic situation, 300,000 persons, 12% of the population, have left the country since the *autogolpe*.

Amnesty International is concerned with the terrible, consistent violations of human rights in Uruguay. Under the pretext of combating armed subversion, ever wider circles of peaceful dissent are subjected to oppression and persecution. Widespread and systematic torture is one of the more prominent features of this tragic situation.

The information presented here has been carefully gathered and authenticated. Amnesty International is independent and non-partisan. A major portion of its continuing work to safeguard human rights is directed toward the abolition of torture—everywhere, unconditionally, without exception.

These four pages are not easy reading. The themes are torture, death, barbarism, injustice and illegality. Husbands, mothers, wives, fathers, sons and daughters subjected to the most brutal treatment. Up to this time, the use of torture in Uruguay has received too little attention. These barbarous practices must be exposed. As part of its ongoing campaign for the Abolition of Torture, Amnesty International is organizing a concerted international effort to raise awareness of this appalling situation.

Some of these victims of torture were drawn members of the National Liberation Movement—MLN, the Communist Revolutionary Party, the Communist Union, the Communist Party, and the Broad Front. Others were people with no known political affiliation or activities. Amnesty International believes that governmentally sanctioned torture, whether to extract information, intimidate the opposition and general public, or out of the petty sadism of police and military forces, is morally unacceptable in the third quarter of the twentieth century.

After the public scandal of the 1974-1975 *desaparecidos* death under torture of Carlos Batalla in 1972, the authorities have taken steps to prevent other cases from reaching public knowledge. Arrests have been denied, investigations stopped, relatives and doctors threatened and intimidated, requests for autopsies refused, bodies shot or thrown out of windows to simulate suicide, armed confrontation. In spite of all this, reliable reports supported by circumstantial evidence and numerous testimonies have made it possible to identify some of the people who have lost their lives at the hands of Uruguayan torturers.

We present here twenty-four named cases of death by torture. There is no help for these victims. But their families, friends, neighbors, co-workers, teachers and students desperately need the help of the outside world.

This information comes from sources which Amnesty International considers trustworthy and reliable. In December the list was sent to President Bordaberry with the request for an impartial on-site investigation. No reply has been received to date.

LUIS CARLOS BATALLA, MAY 25, 1972

The first and last death under torture to be officially admitted, Batalla was 32-years old, a building worker and father of two. He was not known to have been engaged in any illegal activities. It is believed that he was interrogated in an attempt to extract names of persons whom he thought might be linked with the Tupamaro guerrilla movement. No charges were brought against him, either before or after his death. He was arrested on May 20, 1972 and died five days later. The official death certificate read:

...anemia caused by liver rupture." The Minister of Defense admitted on June 22, 1972 that the autopsy proved that Batalla's

January 19, 1976

## RETURN OF THE SPOILS SYSTEM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1976

Mr. MICHEL. Mr. Speaker, those of us from Illinois have I think a special understanding of the importance of the Hatch Act, the law which prohibits Federal employees from engaging in political activity.

Having observed the actions of Chicago City Hall for many years, we know what kind of abuses are possible when Hatch Act provisions are absent. A cogent analysis of the problems with the Hatch Act repeal effort, citing the Chicago example, appeared recently in the Christian Science Monitor, and I would like it printed here in the Record, so that my colleagues might have the benefit of seeing it.

## RETURN OF THE SPOILS SYSTEM

The United States House has passed and sent to the Senate a measure which would effectively destroy the 1939 Hatch Act in the name of reforming it.

If the measure is enacted, a large part of the federal government's huge work force of 2.6 million employees could be turned into a vast patronage army similar to the Daley machine which has dominated Cook County politics for the last two decades.

The Hatch Act came about in response to the patronage abuses and political coercion rampant in the New Deal public jobs programs of the 1930s.

It was obvious that these abuses could not be curbed simply by making it illegal for public officials to order their employees to perform political work. The bosses could always find ways to "persuade" the employee to take part in political action on a voluntary basis.

The Hatch Act served to eliminate this evil by making it illegal for federal employees to perform political work even on a "voluntary" basis, insulating them from any kind of pressure.

It is this protection that the "reform" measure sponsored by Rep. Bill Clay (D., Ill.) would remove. Though there would still be some minor restrictions on the kind of political activity in which federal employees could be sent into the precincts, but the vote on a voluntary basis.

Under a federal patronage system, municipal employees in Chicago can only voluntarily do political work. They do so in various ways - even election-day else.

As Rep. Edward Derwinski (R., Ill.) who led the opposition to the Clay measure, pointed out, there are other evils in the proposed Democratic businessmen could find their tax returns audited by an Internal Revenue Service agent who doubled as a Republican ward leader.

A survey taken by the National Federation of Federal Employees of its members a few years ago found 89 percent supporting the Hatch Act and only 1 percent favoring its repeal. The Clay measure was opposed by the federation, as well as by the U.S. Civil Service Commission, the Postal Service, the comptroller general, the IRS, and the FBI.

Yet the measure was steam-rolled through the House by a vote of 288 to 114. This is a reflection of the Democrats' 2 to 1 margin of power in the House and the massive support given the measure by Big Labor. Interestingly, many federal workers belong to public employee unions and most are considered to be Democrats.

Should the bill be passed by the Senate, it faces an expected veto from President Ford. An override by the House could be prevented if enough of its members are made to see what a monster they are creating.

## WORLD AFFAIRS COUNCIL

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1976

Mrs. HOLT. Mr. Speaker, many of us recently received a letter from the World Affairs Council of Philadelphia, inviting Members of Congress to participate in a ceremonial signing of "A Declaration of Interdependence" on January 20 in Congress Hall, adjacent to Independence Hall in Philadelphia.

A number of Members of Congress have been invited to sign this document, lending their prestige to its theme, but I want the record to show my strong opposition to this declaration.

It calls for surrender of our national sovereignty to international organizations. It declares that our economy should be regulated by international authorities. It proposes that we enter a "new world order" that would redistribute the wealth created by the American people.

Mr. Speaker, this is an obscenity that defiles our Declaration of Independence, signed 200 years ago in Philadelphia. We fought a great Revolution for independence and individual liberty, but now it is proposed that we march off in a world socialist order.

Are we a proud and free people, or are we a carcass to be picked by the jackals of the world, who want to destroy us?

When one cuts through the high-flown rhetoric of this "Declaration of Interdependence," one finds key phrases that tell the story.

For example, it states that

The economy of all nations is a single web, and that no one nation can any longer effectively maintain its processes of production and monetary systems without recognizing the necessity for collaboration, cooperation, or international authority.

How do you like the idea of "international authorities" controlling our production and our monetary system, Mr. Speaker? How could any American dedicated to our national independence and freedom tolerate such an idea?

The declaration goes on to urge a strengthening of the United Nations and a broadening of the jurisdiction of the World Court, "that these may preside over a reign of law that will not only end wars but end as well the mindless violence which terrorizes our society even in times of peace."

Examine this closely. It suggests that world government will somehow cure the problems of crime and terrorism. Not just the problem of war. Quite obviously, the sponsors of this declaration have had no contact with reality.

Mr. Speaker, we have lately witnessed the United Nations organization in full cry against America and her allies of the

Free World. We have watched the UN become an instrument of the Soviet Union and its shabby following of despots large and small.

America should never subject her fate to decisions by such an assembly, unless we long for national suicide. Instead, let us have independence and freedom.

A major threat to world peace is the Soviet Union, which imposes slavery on its people and devotes its economy to the single task of building a war machine to extend that slavery throughout the world.

It subverts governments of independent nations; it arms and impels its subservient client states to wage wars of conquest against their neighbors.

Mr. Speaker, there is one force that preserves freedom where it still survives in this world, and that is the strength of the United States. To the extent that we maintain a powerful, credible economic and military deterrent, we shall also have peace.

The Soviet Union seeks world empire. America asks only that free peoples remain unmolested by the slavemasters of the Kremlin.

If we resist the expansion of the empire that threatens to dominate the world and destroy the independence of every nation, we shall be fulfilling the ideas of our Declaration of Independence.

If we surrender our independence to a "new world order" dominated by the Soviet Union and its clients, we will be betraying our historic ideals of freedom and self-government.

Freedom and self-government are not outdated. The fathers of our Republic fought a revolution for those ideals, which are as valid today as they ever were.

Let us not betray freedom by embracing slavemasters; let us not betray self-government with world government; let us celebrate Jefferson and Madison, not Lenin and Stalin.

## THE SHRINERS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1976

Mr. MONTGOMERY. Mr. Speaker, one of the most rewarding aspects of my membership in the Shriners is to see the results of the medical treatment provided in the 19 orthopedic hospitals and three burn institutes sponsored by the Shriners. The accomplishments of these outstanding institutions was brought forcefully to my attention during the Shrine ceremonial held at Hamasa Temple late last year.

At this time, Noble James Skelton, of Meridian, a past potentate of Hamasa Temple, introduced Dewayne Stephens to his fellow Shriners. Young Dewayne had been receiving treatment at the Shrine Hospital in Shreveport for a very serious deformity of the lower legs which caused his feet to turn inward and upward. Thanks to the work of the Shrine Hospital, the prognosis for Dewayne is that he will be able to lead a completely

# DO YOU TRUST THE RUSSIANS????

4—Monday, August 5, 1963

EVENING OU

## EVENING OU

1330 Third Street, Santa M  
Published Daily Except Sunday by United W

ROBERT E. McCLOSKE, Editor-I

DE. JNK, General Manager

### Editorial P

## The Prophecy Of Manuilsky

Is the Moscow nuclear test ban treaty a "victory for mankind," as President Kennedy claims? Is it the "Ark of the Covenant," as described by the pen of an elated liberal cartoonist?

Or does the treaty confirm, in part, the chilling prophecy made 33 years ago by Dimitri Z. Manuilsky of the Lenin School of Political Warfare in Moscow?

Said Manuilsky: **IN 1930**

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 to 30 years. To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep.

"So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. Then capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction.

"They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

Prudence dictates that free men view Khrushchev's current peace offensive against the backdrop of Manuilsky's prophecy.

*This could happen*  
*← smashed with a clenched Russian fist*

**DID  
YOU  
KNOW...**

After the war years, Reagan played an up-front role in an organization called the California League for A Democratic Far Eastern Policy. It was closely linked to the Institute of Pacific Relations' drive to bring Mao Tse Tung into China by forcing a change in U.S. foreign policy toward Chiang Kai Shek. It succeeded. Mao took over in China, and the mainland fell under the Red Chinese. Without Mao Tse Tung, there would have been no Korean or South Vietnam War. Reagan's actions then, have been felt in U.S. foreign policy right up to 1975.

Quote from Page 72

"The Counterfeit Candidate"

Author Kent Steffgen



ressed. Then Aaron went further: "Any new government programs should be paid for by cutting other spending or raising taxes, not by borrowing."

only for Aaron's comments, the summit was all the cheerleading and puffery. Now it's up to him to make the hard choice—to concentrate on long-term problems, especially reducing the deficit.

## Automatic drama

As once tried to assassinate, before sentencing him to death for subversion (a sentence commuted under pressure from President Reagan). Unlike in 1987, the military seems prepared to accept whatever the voters deliver.

Unlike 1987, no grand issue has galvanized the Korean electorate. Personalities may be decisive, but few policy differences have emerged among the main candidates, who are bunched in the center of the country's political spectrum. All promise measures to revive economic growth, which has declined to 6 percent this year from more than 12 annually in the late 1980s.

As Americans, Koreans worry that they are losing competitive edge, pricing themselves out of world markets and letting affluence sap their traditional virtues. They face the chronic uncertainty created by a next to a militantly communist neighbor, North Korea, and the prospect that in the next few years they will be obliged to assume the costs of reunifying the nation.

If they can find plenty of things to fret about, they should take great pride that they have managed a precarious journey from dictatorship to democracy in a brief time. Whoever is chosen to be the next president, South Koreans surely realize that in a free election, the people always win.

## The heat

activities have to be carried out at the office to pay the rent as a legitimate campaign expense.

Why did Rostenkowski initially refuse to allow reporters to view the office space, and subsequently try to restrict which members of the media would not have access? The best guess is he got his dander up, and didn't think he should deal with such meddlesome inquiries.

Such actions, Rostenkowski invites more controversy. Dealing with the press and with voters is one messy detail of public life. Rostenkowski, who had to be dragged by aides to participate in a one-on-one meet-and-greet campaigning this year, obviously doesn't like those details.

It's a shame, Rostenkowski can be a charming fellow, either with the lobbyists who trail him like dogs or the constituents who want to know they have his attention, too. Assuming that he has been fed up and quit, and that (as he has reportedly told) he is not a target of the post office investigation, Rostenkowski is going to stay on the scene as the single most important figure in Washington City of Chicago and the State of Illinois.

In his interest, as well as his constituents' interest, for him to remember that when it comes to government and politics, his business is the public's business, too.

budget of that group's cause. Why should the taxpayers foot the bill for this vandalism? Maybe these radical groups might display some respect for others. They can't expect people to respect them or their views until they can act like they belong to the human race.

Pam Roeder

## It's affordability

**STREATOR**—Your editorial "Examining the health reform plans" (Dec. 6) reflects the reason for lack of progress in health care reform. Most proposals are preoccupied with financing the current unaffordable system. The central issue is affordability. We must reduce the current expensive bureaucracy, the high cost of drugs and technology, and the delivery of most health care by highly paid super-specialists.

Of course, the politically powerful bureaucracy, the free enterprise system and the medical establishment will oppose any restriction and fight for the status quo. But unless we face up to the above realities, we must stop complaining about the cost of health care and pay whatever the system demands.

James Scott, M.D.

## Bigger barriers

**EVANSTON**—It's a shame the rest of the world poses such an inconvenience to Dr. Melody Cobleigh, who was quoted in the Dec. 3 article about a suburban woman's access to the controversial drug RU486.

Dr. Cobleigh said of her three-month battle to get the drug: "It would be nice if there could be some of this drug available in the U.S. for cases like this. It is very difficult dealing with the French, who are six or eight hours ahead of us and don't speak English."

RU486 is extremely controversial and is not even being considered for FDA approval here. Yet the doctor's biggest obstacles appear to be time zones and the fact that the French speak French.

I understand the term "ugly American" more and more.

Barbara Govednik

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been fully operational since July 1990 and has destroyed more than 29,000 chemical weapons and burned more than 300,000 pounds of chemical agent. Of particular note, the items thus far processed represent all types of chemical munitions and agents in the U.S. inventory.

The plant has successfully completed three of the four verification tests required by Congress and is currently in its fourth test phase. The information generated by those tests has demonstrated that the facility can and does operate safely and efficiently while complying within all environmental regulations.

Lastly, the facility cost \$285 million to build and equip, not \$1 billion. Over its six-year projected destruction period (1990-1995), it is expected to cost another \$525 million to operate.

The United States is the world's leader in safely eliminating chemical weapons. We have already destroyed part of the Johnston Island stockpile and met all required environmental standards. Local communities and the Army share the goal to rid ourselves of these lethal weapons. By continuing to work together, we will reach our goal and make these communities, as well as the world, a safer place to live.

Susan Livingstone  
Assistant Secretary of the Army  
Installations, Logistics and Environment

## Agenda for peace

**CHICAGO**—As stated by United Nations Secretary-General Boutros Boutros-Ghali, the end of the Cold War allows the United Nations to function as a true peacekeeping body and demands on it have increased.

The World Federalist Association urges the United States government to support the secretary-general's recent proposals, entitled "An Agenda for Peace," to improve the United Nations' peacekeeping tools. These proposals include preventive diplomacy along with stepped-up factfinding, acceptance without reservation by all nations of jurisdiction of the World Court, troops on call for United Nations' use (as a deterrent) and various improved funding arrangements to support peace efforts.

In accordance with recently passed legislation, our next president is to report to Congress by June 30 on the secretary-general's proposals. We trust that the president's analysis of these proposals will be favorable.

Margaret Goldstein  
Legislative Coordinator  
World Federalist Association

**CHICAGO**—Here's a suggestion for the new president. If President-elect Clinton wants to get the commercial real estate industry rolling again, he should consider offering a tax recapture amnesty to those property owners gridlocking the sale or transfer of valuable properties solely to avoid tax consequences. Across America this stalemate is crippling the ability of lenders to reacquire or otherwise dispose of valuable real estate properties whose values are eroding while they are caught up in the foreclosure process. And it is depriving Americans of the opportunity to re-create wealth in these failed but valuable assets.

America has long been known as the land of the brave, home of the free and a country of the forgiving. If we can grant amnesty to parking meter violators, to illegal aliens and to draft dodgers, then certainly a one-time tax recapture amnesty would be a small price to pay to get America's most valuable commodity—real estate—back to the free market.

J. Paul Beittler

## Capital deterrent

**CHICAGO**—Letter-writer Norbert Ciesil asks, "Why do we kill people to show that killing is wrong" (Dec. 1)? Of course killing does not show that killing is wrong. That is irrelevant. That is not what capital punishment is for.

Capital punishment does two things effectively. It prevents crime: Dead criminals do not commit crimes. The other is to show criminals that their crimes will not be tolerated. By having executions we draw a line on the ground and kill the criminal if he steps across it.

Unfortunately capital punishment is applied so inconsistently and infrequently today that the message just isn't being given.

Gerald R. Capadona

## Chicago Tribune

DOUGLAS E. KNEELAND  
Public Editor

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States, but loyalty to a world government. This is an alarming situation and yet the people generally are not aroused. They have been told so many times that the United Nations is the only instrument of peace we have; that peace is what the United Nations is trying to obtain, the people believe in it, and believing it, they are pulled to sleep while the United Nations, conceived and inspired by Communists, seeks to destroy the Government we have.

If the past decisions of the Supreme Court of the United States are to be followed, there is no danger that a treaty can disturb the Constitution of the Nation or interfere with the sovereign rights of States, and no constitutional amendment is necessary.

If these decisions are to be followed, Congress has the power by a congressional act to revise, amend or abrogate a treaty entirely. This being true, many amendments will be offered repealing various parts of the Charter, especially that provision which gives the Security Council power to start a war and ignore the powers and responsibilities of Congress.

Of course, we are never sure what the Supreme Court of the United States will hold. In the steel seizure case the Chief Justice of the Supreme Court, in his dissenting opinion, held the President had the power to seize the steel industry, and based his arguments on the fact that we had assumed a new responsibility when the Senate adopted the Charter of the United Nations, and that here in this document is found the power and authority of the President to seize the steel industry, although elsewhere in the Constitution no such specific authority could be found. This opinion reaffirms the ratification of the Charter of the United Nations and makes this document superior to our own Constitution and, in effect, amends our own Constitution without resorting to the constitutional process by which our Constitution is amended. It is a shortcut, entirely ignoring the Congress and the people, and promulgated by a body representing 64 foreign Nations and the United States.

This is an amazing doctrine, and if the majority of the Court were of the same opinion as the Chief Justice, the Constitution of the United States would have been scrapped and, in its place, the Charter of the United Nations would be in full control of our liberties.

I cite this dissenting opinion, not for the purpose of exonerating the Chief Justice, but to point out the danger our Constitution is in since the ratification of the Charter of the United Nations. Fortunately for the people of the United States, the majority of the Court could not entertain any such doctrine, and the Constitution of this country was preserved.

It is most likely that no Senator who voted for the ratification of the Charter of the United Nations had the least idea that the Charter went further than to provide the organization with all proper tools to bring about world peace; it is also likely that no Senator who voted for the ratification saw in the wording of the document the hidden purpose of changing the Constitution of the United States or of any State or any law of the

United States or any law of one of the States of this Union. But the purpose to do so is now obvious. The exclusion laws of the State of California did not suit the majority of the members of the United Nations' representatives, and they implanted in this Charter the intended power to change our laws. When the Fujii case in California reached the court of appeals, the learned judge said:

The Charter as ratified by the Senate has become the supreme law of the land, and hence the provisions of the California Exclusion Act conflict with the Charter of the United Nations, and hence the California law must be set aside.

It was.

It is likely that no Senator ever dreamed that the United Nations would ever attempt, either through the Charter or by any subsequent convention, to change the Constitution of the United States. But that has already happened, insofar as showing an attempt on the part of the United Nations to change our Constitution.

One of these conventions will come before the Senate of the United States shortly. It attempts to write a new definition of free speech, free religion, and a free press. Copies of this intended move have been circulated and can be found. The very cornerstones of our liberty are free speech, free religion, and a free press, and before the United Nations made this attempt, no one in this country who is familiar with our history ever thought for a minute that these cornerstones could be removed without constitutional amendments in which all the people, through their duly elected representatives, would have a voice. Now read this intended new definition of these cornerstones.

In regard to these cornerstones of our liberty, the Constitution of the United States provides:

Amendment No. 1: Congress shall make no law respecting the establishment of religion, or permitting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people to peacefully assemble, and to petition the government for a redress of grievances.

The provisions of the Covenant of Human Rights, proposed and to be submitted to the Senate for ratification, in respect to the above quotation from the Constitution of the United States, are:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice . . . but this right is subject to certain restrictions, but these shall be such only as are provided by law or are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms and reputation of others.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect the public safety, order, health or morals or the fundamental rights of others.

The most ardent and unreasonable supporter of the United Nations must admit that here in these sections proposed by the United Nations the proposal to amend our Federal Constitution is clearly obvious. Loaded down with all

these restrictions and conditions—to be interpreted by the United Nations—it must be clear to all that the attempt is being made to destroy these fundamental freedoms as expressed in our Constitution.

The United Nations, created as its sponsors said, to preserve the peace of the world, evidently has found out that it cannot accomplish its original purpose when its own members are at war against each other, and have now started out on a broad grandiose policy of changing the Constitution and laws of the United States.

I should not be doing my full duty to this House or to the people of the United States if I did not, in the light of these decisions, present the quickest possible way in which the Congress of the United States can remove the dangers to our Government in the language contained in the Charter and covenants of the United Nations.

I propose and have introduced today, acts providing:

First. That no treaty, now existing or to be hereafter negotiated, shall in any way abridge the sovereign power of the United States or of any State, nor shall such treaty change, amend, or abridge any law of the United States or of any State in the United States.

Second. That in cases where the interpretation of the provisions of any treaty is at issue and to which the United States is a party, the question shall be submitted to the Supreme Court of the United States for adjudication, notwithstanding any provision in any treaty to the contrary.

Third. That neither the Security Council nor any other agency of the United Nations shall have any power to call on this country for armed troops to serve in any foreign country, without first obtaining the consent of Congress therefor, notwithstanding the provisions of any treaty to the contrary.

There are other provisions of the Charter of the United Nations that should be amended or entirely repealed, but the three changes set forth herewith are imperative.

I am in favor of constitutional amendments such as limiting what may be contained within a treaty, as proposed by Senator BRICKER, and the one making Congress, and not the Senate alone, responsible for approving treaties, as I have proposed in a Constitutional amendment; but since this Congress has the power now to pass acts limiting the extent of treaties, this power should be exercised without delay. The Fujii case in California, and the dissenting opinion of the Chief Justice of the Supreme Court of the United States in the steel seizure case, is warning enough that it is directly up to this Congress right now to preserve the Constitution and laws of this country, regardless of any insidious attempt, from any quarter, to destroy them.

#### OLD-AGE PENSION FOR ALL OVER 65

THE SPEAKER. Under previous order of the House, the gentleman from Massachusetts (Mr. LANE) is recognized for 10 minutes.



If any ratification of the United Nations' Charter was validly made at all, it would have to be made under the authority of the United States. In other words, there must have been authority on the part of the Senate to make a valid ratification.

This treaty was not ratified by an act of Congress, but the document came before the Senate as a treaty. The ratification could not have been made by the Senate alone unless it was a treaty.

The courts from time immemorial, with respect to treaties, have held that a treaty is a contract between this Nation and some other nation. No individual nation ever offered that treaty for our ratification. It was offered by no nation or more than one nation; it was offered by the United Nations and no one else. It therefore seems important to determine what was the United Nations at the time this Charter was offered. Was it a nation? Did it have standing as a nation capable of offering a matter for ratification?

At the time this Charter was offered, the United Nations was the agency of several nations pledged to work for the peace of the world. It was an agent of all nations who had joined the United Nations, but did not then or now exist as an entity entitling it to be ranked as a nation with whom we could make a treaty. The very purpose was for this agency to work for the peace of the world as agents of the several nations who were members. The question now arises, can the United States make treaties with agents of foreign governments?

It is clear, from a digest of the foregoing cases that—

First, a treaty is a compact between independent nations.

Second, since the approval of the Charter of the United Nations was not a compact between the United States and any independent nation, the approval was void.

Third, that a treaty cannot in any case abrogate the sovereign power of the United States or any State in the Union.

Fourth, that an existing treaty may be amended, modified, or repealed by any act of Congress.

Fifth, that where a treaty conflicts with a law passed by Congress subsequent to the ratification of the treaty, that the act of Congress prevails.

Applying these legal principles to the Charter of the United Nations, we find first, that the ratification of any agreement made with agents of several governments does not establish such body as an independent nation with whom we could make a treaty.

Assuming that the United States had the power to make a treaty with this body of agents of independent nations, such ratification could not contain any language or agreement that would abrogate the sovereign power of the United States or of any State in the Union. The decision—the very first decision coming up under the Charter of the United Nations—was in the Fujii case in California, where the court held that since the laws of the State of California in reference to the ownership of land by certain nationals were antagonistic to the United Nations Charter and Declaration of Human Rights, that the law

of California must give way to the supreme law of the land doctrine contained in the Constitution of the United States. This decision was clearly erroneous, because it is within the sovereign power of the State of California to make any law it may think proper to regulate aliens in that State.

One of the provisions of the Charter of the United Nations reads:

All members shall give the United Nations every assistance in any action it may take in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

This means that whatever measures the Security Council takes, whether in violation of our sovereignty or not, we agree to comply.

This provision, though, must be meaningless, for Russia has violated this principle with impunity in giving assistance to the Red Koreans and the Red Chinese.

Article 6 reads:

A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the General Assembly upon recommendations of the Security Council.

No action has been taken against Russia although the evidence before the Security Council is overwhelming that through the aid by Russia given to the aggressor in Korea the war there is continuing.

Article 21 provides:

The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter.

Article 43 provides:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with agreement or agreements, Armed Forces, assistance and facilities, including the right of passage, necessary for the purpose of maintaining international peace and security.

Under this provision the Korean war was started, and the United States found itself at war in a foreign country without a declaration of war. The Constitution of the United States had clothed Congress, and no other body with power and responsibility to declare war. This section of the Charter of the United Nations violates the Constitution, as it takes the power to declare war away from Congress and places it in the power of the Security Council of the United Nations.

Article 55, subdivision (a), says:

The United Nations shall promote (in every country) higher standards of living, full employment, and conditions of economic and social progress and development.

This section opens the doors to the promotion of all sorts of social experiments in the attempt to build an Utopian state. We have seen some of these experiments tried in this country by the New Deal, and this provision of the Charter authorizes it specifically. The Constitution of the United States does not guarantee all these Utopian desires of its citizens, but it does guarantee that every citizen shall be entitled to life, liberty, and the pursuit of happiness, and

that he shall have an equal opportunity to pursue his way of life the same as another citizen. This means that our Constitution confers upon no one a special privilege which cannot be enjoyed by all. That is all any government can promise and, clothed with these opportunities, it is up to the individual, through his own efforts, to realize his ambition. The Constitution does not guarantee every person employment any time he wants it, but it does guarantee him an equal opportunity for employment.

This section makes it possible to set up a communistic state, and since Communists were the chief authors of this whole Charter, it is not accidental at all that the provisions I mention here were inserted in that Charter.

Under the miscellaneous provisions of the Charter relating to the International Court of Justice, set up by the United Nations, the powers of this country over our own treaties have, by this Charter, been transferred to this International Court.

Article 36 of the statute of the International Court of Justice of the United Nations provides as to the jurisdiction of this court:

The jurisdiction of the court comprises all cases which the parties may refer to it and all matters specially provided for in the Charter of the United Nations or to treaties and conventions in force.

The states parties to the present statute may at any time declare that they recognize as compulsory, ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the court in all legal disputes concerning: (a) the interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which if established would constitute a breach of any international obligation.

In the event of a dispute as to whether the court has jurisdiction, the matter shall be settled by a decision of a court.

Nothing could be more simple.

The effect of these statutes passed by the United Nations is to take from the courts of this country their power to construe treaties made by the United States and violate the provisions of the Constitution of the United States as to treaties.

The Constitution of the United States, section 2 of article III, provides:

The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, or treaties made or which shall be made, under their authority.

In spite of these provisions there are many advocates of the United Nations who claim no attempt is being made to undermine the Constitution of the United States.

When we find that UNESCO, a subsidiary of the United Nations, is engaged in a wholesale campaign of propaganda, week after week on the radio, at the taxpayers' expense, training teachers to teach, and teaching that love of country—this country—by reference to our great leaders like Washington, Jefferson and Lincoln, creates a strong nationality, we wonder at what place the United Nations will stop in its efforts to destroy the American system of Government. This organization wants no strong national spirit of the United



Recent surveys have shown that workers generally believe that their union leaders are losing touch with the rank and file. The McGraw-Hill research department's twelfth survey of workers' opinion showed that 52 percent of the workers believe that local bargaining would mean shorter strikes and 46 percent feel that they would get better breaks from local bargaining, while only 14 percent believed that they would be worse off if bargaining were returned to their own hands. One local union officer put it this way:

Now that everything is decided at a bargaining table located maybe a thousand or two miles away, we guys here in the town and the plant are nothing but reporters and small-time policemen. The closer our big boys get to company and industry top brass—and to Washington—the further away they move from us and the members we have to answer to—that is, if we're going to hold our union jobs.

When I introduced this legislation last year, I was told that my proposal would destroy the international union. This is simply not true. Have trade associations been destroyed because they cannot regulate their members' prices? Of course not. Similarly, international unions can exercise their power and management for good purposes without possessing monopoly control over the wage rates of their locals and rights of their members to work.

I do not say that my proposal is the ultimate answer to this vital problem, but I believe that by adopting it—whether in this form, or some other—the Congress will have moved one long step toward more democratic practices in labor-management relations and will have provided the protection our society needs against monopoly bargaining and its attendant evils.

#### THE UNITED NATIONS CHARTER

The SPEAKER. Under the previous order of the House, the gentleman from North Dakota [Mr. BURDICK] is recognized for 30 minutes.

Mr. BURDICK. Mr. Speaker, I have nothing against you or against the help here in the House of Representatives. I see only three Congressmen here and the only reason they are here is because they want to speak.

I had something to say and I expected to say it this afternoon, but I think I can say it to the country without harming anyone here or wearing out your patience. The subject I was going to speak on and now do speak on is: "What can this country, the United States, do to prevent the United Nations from destroying the Constitution of the United States of America and the constitution and laws of the various States of the Union?"

Mr. LYLE. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Texas.

Mr. LYLE. I stayed because I wanted to hear the distinguished gentleman, not because I wanted to make a speech. He does bring to mind one thing the people of the United States could do; they could urge their Congressmen to pass these various resolutions, one of which I in-

troduced which would amend the Constitution and provide that no treaties entered into would become internal law until overtly made so by direct action of the House and the Senate of the United States. That would be one safeguard.

Mr. BURDICK. That would be one way to do it, and I am glad the gentleman contributed that suggestion. But if you are interested in how to do it you are not going to find out from me this afternoon; you will have to read this speech.

Mr. LYLE. I will be delighted to.

Mr. BURDICK. And there you will find out how you can do it by legislation.

Mr. Speaker, the Supreme Court of the United States has spoken many times on the question of what a treaty is; with whom a treaty can be made; and the effect of a treaty on the Constitution and laws of this country.

One of the early cases involving this matter was the *Head Money* case—One Hundred and Twelfth United States Reports, page 190—of *Edye et al. v. Robertson*, collector at the port of New York. In this case the collector went on board a foreign vessel having on board a great number of immigrants and, under an act of Congress, collected 50 cents per head for all aliens seeking entry into the United States. This money was paid to the collector under protest, and the action was brought to recover the amount paid. The defense was that the collector had proceeded in the matter as provided by an act of Congress regulating immigration. The plaintiff, however, asserted, and presented provisions of treaties with foreign nations in regard to immigrants coming from foreign countries, that the act of Congress regulating immigration was passed after the said treaties had been made.

On this subject Justice Miller, who delivered the opinion of the Court, said:

A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and honor of the governments which are parties to it.

The Constitution gives it (a treaty) no superiority over an act of Congress, which may be repealed or modified by an act of a later date.

In short, we are of the opinion that, so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such act of Congress as it may pass for its enforcement, modification, or repeal.

The action against the collector was dismissed.

In the case of *Whitney v. Robertson* (124 U. S. 190) where the United States imposed a tariff on products from the Dominican Republic, the matter of treaties was fully discussed by Justice Field. In that case the Dominican Republic relied on a treaty which we had made with the King of Hawaii, in which similar products were admitted free of duty, and that our treaty with the Dominican Republic recited that in trade with this country we would place no higher duty on the importation of products from the Dominican Republic than imposed against like products from any other country.

Since the act of Congress providing for a duty on the imports of products

from the Dominican Republic was passed after the treaty with the same republic was made, the matter of the importance of a treaty came directly up for a decision.

On the matter Justice Field said:

By the Constitution of the United States a treaty and a statute are placed on the same footing, and if the two are inconsistent, the one last in date will control.

Justice Field cited and approved the decision in the case I have first cited, *Head Money* cases (112 U. S. 580).

In the case of *Chae Chan Ping v. United States* reported in One Hundred and Thirtieth United States Reports, page 581, Justice Field again presented the opinion of the Court. In this case the plaintiff, who had resided in this country for several years, visited China and on his return was denied entry in the United States because of an act of Congress passed in his absence. Being held in custody, he applied for a writ of habeas corpus, and the matter came before the Court on that issue.

Justice Field, after citing his opinion in the *Head Money* cases, said:

The power of the Legislative Department of the Government to exclude aliens from the United States is an instance of sovereignty, which cannot be surrendered by the treaty-making power.

The act excluding Chinese laborers from the United States was a constitutional exercise of legislative power and, insofar as it conflicted with existing treaties between the United States and China, it operated to that extent to abrogate them as a part of the municipal law of the United States.

In the case of *Horner v. United States* (143 U. S. 570), where a treaty with Austria was pled in defense of the action of the plaintiff in violating the postal laws of the United States, Justice Blackford, in rendering the opinion, said:

The proposition that that section (of the postal laws) is void if it contravenes a treaty between the United States and Austria is not tenable.

The statute is a law equally with the treaty and, if subsequent and conflicting with the treaty, supersedes the latter.

Judge Harlan, in the case of *Sanchez v. United States* (216 U. S. 167), said in the majority opinion:

It is true that Congress did not, we assume, intend by the Foraker Act to modify the treaty with Spain, but if that act were deemed inconsistent with the treaty, the act would prevail; for an act of Congress, passed after a treaty takes place, must be respected and enforced, despite any provisions or existing treaty provision on the same subject.

#### TREATIES

With regard to the ratification of the Charter of the United Nations by the Senate of the United States, the question naturally arises:

Did the Senate have any authority to ratify that document?

In regard to this power of ratification of treaties by the United States Senate, the Constitution provides:

Article VI: This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

## IRAQIS

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Congress before he decided to do that," the official said, indicating that no change was contemplated before the passage of yesterday's resolution.

"That's a concern that the executive branch takes into consideration. At the same time there's a humanitarian concern here. What happens to these folks?" the official said.

The sentiment in the Senate measure echoed those in letters from about 100 members of Congress to Mr. Clinton in the past month urging him not to allow former Iraqi soldiers to enter the United States.

Republican Rep. Cliff Stearns of Florida and Donald Manzullo of Illinois have been gathering support to force a floor vote on their resolution opposing the resettlement of Iraqis.

"We are up to 50 signatures on our resolution, and we will start pushing it now that Congress is back in session," Mr. Stearns said yesterday. "The passage in the Senate will give us impetus."

He said 218 backers, a majority of the 435-member House, are needed to bring the resolution to a vote.

"If we could get this to a vote on the House floor, it would pass in a minute," Mr. Stearns said. "I think the American people are pleased to see Congress acting on this."

There are about 39,000 Iraqis in refugee camps in Saudi Arabia. That number includes 4,000 to 13,000 former Iraqi soldiers who have been declared refugees and eligible for settlement in the United States, the State Department says.

The resolution covers those who



Sen. John Warner introduced the resolution against the resettlement.

were members of the Iraqi armed forces from Aug. 2, 1990, when Iraq invaded Kuwait, to Feb. 28, 1991, when U.S. and allied troops pushed Iraqi divisions out of the oil-rich emirate and forced a cease-fire after a 100-hour ground war.

Mr. Stearns and others said the average cost to resettle an Iraqi in the United States is \$7,000. The estimated total cost of the program this year is \$60 million.

Those numbers have concerned some legislators who are struggling with cutbacks in programs, including those aimed at American veterans attempting to move into civilian life.

"I certainly don't think we should allow Iraqi soldiers who fought against our troops into the country

simply by saying the magic word 'asylum,'" said Rep. John J. "Jimmy" Duncan Jr., Tennessee Republican.

John Carner, commander in chief of the Veterans of Foreign Wars, recently sent a telegram to Mr. Clinton that urged him to spend money earmarked for resettling Iraqis on U.S. veterans.

"With so many veterans' needs still unmet here at home, I strongly urge you to reconsider the decision to admit the Iraqis and to put America's veterans first," Mr. Carner said.

He said it was "incomprehensible" that money could not be found for some veterans programs while money is available to "provide a new life for those who once faced our sons and daughters on the field of battle."

The Iraqi refugees include Shi'ite Muslims who were oppressed by Iraqi President Saddam Hussein and in some cases rebelled against him, officials said.

"I'm sympathetic with the idea that people who opposed Saddam Hussein should not be allowed to be massacred," Mr. Duncan said. "But we should give the benefit of the doubt to our own people and put the burden of proof on the people who want to come in."

The Senate resolution differs from the pending House measure, which would essentially bar every Iraqi POW from entry, Mr. Stearns said.

The Warner resolution stipulates that Iraqis identified as having helped U.S. forces could be admitted to this country, and it bans anyone implicated in war crimes in Kuwait.

• Frank J. Murray contributed to this report.

## RUSSIA

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ning.

But other defense and intelligence officials said it is too soon to dispel the threat of nuclear attack by Russia's military, which recently took control of all former Soviet strategic forces from the command structure of the nominal Commonwealth of Independent States.

The nuclear arms are spread across Russia, Belarus, Kazakhstan and Ukraine and will be reduced under pending START agreements. Implementation has been snagged by differences between Russia and Ukraine.

Russian-U.S. military ties received a boost Wednesday when Mr. Aspin and Russian Defense Minister Pavel Grachev signed an agreement at the Pentagon calling for increased military-to-military exchanges, joint exercises and a "hot line" between the Pentagon and the Kremlin to be used in any future crises.

The cooperation agreement, however, contains no provisions to allow U.S. officials to take part in or observe the dismantling of Russian strategic nuclear weapons. Russian military officials oppose any U.S. role in the destruction, U.S. officials said.

These officials said the Russian nuclear exercises, along with signs of the continued construction and improvement of underground nuclear bunkers around Moscow, are signs the Russian military still is making preparations to fight a nuclear war with the United States. "You can't dismiss that threat," one official said.

The nuclear exercise, detected by U.S. intelligence reports, took place earlier this year and involved all the strategic forces of the former Soviet Union — also-based and mobile missiles, strategic bombers and nuclear submarines, according to officials familiar with intelligence about the exercises.

The nuclear forces were placed on a heightened state of alert for the exercise, which lasted several days, and caused alarm in some parts of the Pentagon among officials who thought such activities had ended along with the Cold War.

U.S. intelligence agencies are not certain who has the ability to launch nuclear weapons from the former Soviet Union, but they believe Russian President Boris Yeltsin and officials in the Russian Defense Ministry have that power.

Large numbers of U.S. nuclear forces by contrast have been taken off alert status in recent months and readiness exercises have been sharply curtailed, said a defense official. "We're only doing small, routine exercises. The big ones have been canceled because 'peace has broken out,'" this official said.

A total of 450 Minuteman II nuclear missiles were taken off alert status in 1991, a decision that they cannot be fired on short notice, said Air Force Lt. Col. Paula Hoffmann, a spokeswoman for the U.S. Strategic Command at Offutt Air Force Base near Omaha, Neb.

Five hundred Minuteman III and 30 MX missiles remain on alert, she said.

U.S. B-52 and B-1 nuclear bombers also were taken off alert status in 1991, and the nuclear command craft known as Looking Glass, which

once flew round-the-clock, has been grounded on "modified alert status," Col. Hoffmann said.

U.S. intelligence agencies have detected the production of new nuclear warhead material and missiles in Russia since January, officials said, adding that Moscow has announced that it has ceased producing nuclear bombs.

"They are doing what they need to do to modernize their nuclear forces," one official said.

Lawrence Gershwin, a senior CIA analyst, said in March that Moscow is expected to build three new ballistic missiles — mobile, fixed and submarine-based — by the end of the decade.

Officials said a small number of Russian nuclear missile submarines remain on alert status and a portion of the 16 U.S. nuclear missile submarines remain on alert.

Growing instability in the former Soviet Union also has given rise to new fears of an accidental missile launch.

A technological malfunction could trigger a nuclear attack, and Russian officials have begun to examine the possibility of an accidental launch, administration officials said.

John Krammer, a former National Security Council arms expert, said Russia's nuclear arms "constitute a superpower arsenal capable of destroying the United States in a matter of minutes."

"This is an enormous threat, given the volatilities and even civil wars in the former Soviet Union, which may well place these weapons into aggressive or erratic hands almost overnight," Mr. Krammer said.

## ADAMS

From page A1

and be prepared to provide leadership over an extended period," he said.

"My age is such that I don't think I would be on hand in any case, at least not at full strength, to take over the long-range questions after the Smithsonian has been downsized and stabilized in a structure which matches its current income."

He also expressed a desire to return to research and teaching. Before coming to the Smithsonian, Mr. Adams, an anthropologist, was provost of the University of Chicago. After leaving the Smithsonian, he will become an adjunct professor of anthropology at the University of



MIAMI, Sept. 8—A German man driving a rental car from the airport to his hotel was shot to death here early today in an apparent highway robbery attempt, one in a series of attacks that



# American and Russian Divisions to Train Together for Peace-Keeping Operations

## TRAINING. From A1

apart into unstable nationalist pieces. Another is that the Russian general staff might turn against its country's fledgling democratic and market economic reforms.

U.S. strategists consider the Russian military "the most important" domestic constituency for President Boris Yeltsin, according to one administration policymaker. "If the military doesn't participate, there's no coup," he said.

Partly for that reason, the Clinton administration is eager to foster a much broader range of contacts that would give large parts of the Russian military a stake in cooperation.

But there is a delicacy to the emerging relationship, because American officers are divided over giving their Russian counterparts too much of what they want most: the technological, doctrinal and operational wherewithal to close a longstanding gap in quality between the two armed forces.

Since the Persian Gulf War of 1991, Russian military journals have strongly suggested a desire to emulate the training and high-technology equipment of the U.S. all-volunteer force. Grachev said in public remarks yesterday that he would like to see more exercises involving "the different branches and combat arms in our military."

That is more than some U.S. planners are bargaining for.

"All the exercises we've run with them so far have been non-lethal," said one senior officer involved in the policy debate. "We've had chain exercises, we've had ship visits, but we're not out there training their battalions so they can do a better job of invading somebody. Of what benefit would that be to us?"

A senior civilian official emphasized, however, that Aspin is determined to "support the overall effort to sustain reform in Russia, and he is prepared to 'enhance their military capabilities' as the price for attracting Russian military backing.

Even so, there was a deliberate sword-to-plowshare flavor about yesterday's agreement on ground force cooperation. The units involved—the U.S. 3rd Infantry Division (Mechanized) and the Russian 27th Motorized Rifle Division—are among the elite armor-heavy divisions that faced each other across a divided Germany throughout the Cold War. But it is their capability for peace-keeping, not war-making, that will be exercised.

More remarkably, perhaps, Grachev surprised Aspin in private talks yesterday by saying he would like to see deployment of Russian and American troops together in an actual peace-keeping operation. One official said Aspin welcomed the idea enthusiastically, adding that there is a real prospect that Russians or Americans might operate one day under the command of their former chief adversary.

Equally new for the Russians was a Grachev proposal that the two countries exchange officers in military service schools, including the top-level Russian General Staff Academy. Russian officers would also attend advanced American military schools for captains, majors and colonels. Even today, substantial portions of the curriculum in those warfighting schools involve the tactics and weaknesses of Russian forces.

Yesterday's agreement established bilateral task forces to explore peace-keeping doctrine and exercises, potential adjustments to the treaty governing conventional arms in Europe, submarines and undersea incidents, use of space for

missile defense and establishment of direct communication links—the longstanding "hotline" between heads of state—for top defense officials on each side.

Separately from the signed agreement, Aspin floated several ideas on how the United States might help Russia build housing for officers returning from bases in the Baltic countries and former Warsaw Pact allies, a highly sensitive issue in Russian politics. One idea, somewhat disorienting for those who grew up in the Cold War, would send the Army Corps of Engineers to help build Russian apartment blocks.

"We can't find housing for our own folks," grouched one U.S. general officer.

## FALL SALE



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## FEATURE The Washington Summit

over the world of rebuilding the world of a nuclear and space age. It must now be clear to all that the problems of today's world will not be solved through old approaches.

The goal we are setting today is to build a nuclear-free world. The road leading to it is difficult and thorny. But with new thinking it is attainable. As you can see, here, too, changes are necessary. Changes in the minds and changes in actions.

The great age of geographical discoveries amounted to more than one caravan or one newly found continent. Our journey toward a nuclear-free world cannot amount to reaching one or two islands named INF (intermediate-range nuclear forces) and shorter range INF. It is our hope that we shall promptly move further ahead toward the goal of reducing and then eliminating all nuclear weapons which make up the main and decisive portion of the nuclear arsenal.

As the clock of life brings us closer and closer to the 21st century, we are duty-bound to remember that each one of us, within the limits of our capability and ability, personifies the link between the transient and the eternal. As our famous poet, Afanasy Svet, said, "Although man is not eternal, what is human is eternal." It is in the name of eternal humanity that we have today performed our momentous deed. And my first salute is to that event.

It will be cherished by our two peoples. So I address these words of congratulation to the Soviet and American people whose will is embodied in the agreement. I want to emphasize that this is the fruit of the efforts not only of us both, but also of our allies and representatives of all countries and all public movements whose effort and contribution rightfully make them parties to this historic effort.

It would be fair today to pay tribute to the efforts of those who were directly involved in preparing the treaty. May I wish good health to you, Mr. President, and to Mrs. Reagan: happiness and well-being to all those present here tonight; peace and prosperity to the peoples of our two countries.

### Luncheon Toasts, Dec. 9, 1987

I think all of our friends from the Soviet Union will find a text translated in front of them, which will save us a little time.

Benjamin Franklin, the father of American diplomacy, who exchanged correspondence with Catherine the Great—and for whom this room is named—would be fascinated to be with us today. For this is the first time the leader of the Soviet Union has visited the Department of State. Welcome.

Your visit here, Mr. General Secretary, and the prospect of a visit by President Reagan to Moscow, should cause us to think about guidelines for managing our relations. What should we both be keeping in mind?

First, ours is a relationship as important as it is unique. It is important because we each bear an immense burden of leadership in the world. It is unique because the nuclear era demands that we engage each other despite our profound differences. As our famous poet, Afanasy Svet, said, "Although man is not eternal, what is human is eternal." It is in the name of eternal humanity that we have today performed our momentous deed. And my first salute is to that event.

Second, our relationship will continue to be a difficult one to manage. We have contrasting philosophies, political systems, and national interests. Our basic values, systems and interests will persist, even as the necessity to work together increases.

Third, we must be realistic, avoiding extremes, either of hostility or euphoria, through the ups and downs of our relations. The best approach to dealing with one another is one Ben Franklin might have suggested: be down-to-earth, pragmatic, and businesslike in seeking to solve concrete problems.

Fourth, we must speak with clarity and candor to one another about our differences. That is why at this summit we have discussed the fundamental importance we attach to transparency, as set forth in the Universal Declaration

and the Helsinki Final Act. As the Community heads of government stated December 5, "Respect for human rights and freedom is a prerequisite for confidence, understanding and cooperation."

We have spoken with candor about regional issues, as well. You have not hesitated to speak your mind to us. And we have made some progress. As President Reagan has said, we owe each other the tribute of candor, and candor will help us get results.

Fifth, we must look to the future without neglecting the lessons of the past. Too often, we face the past and back into the future. In 6 to 10 years, our world will be very different from the one we know today, and from the postwar world of the past 40 years, which has conditioned so much of our thinking. Franklin—and Lomonosov, his contemporary—were ready and eager for the future. So should we be.

The material substances of daily life are being transformed. The speed of human transactions is accelerating. Scientific, economic, and political matters are now global in dimension. And through all these changes, runs the thread of knowledge: its discovery, its rapid transmission as information, and the education needed to use it.

This leads to a sixth point: the recognition that openness is ideas, information and competence is the key to future success. The conceptual breakthroughs embodied in the INF (intermediate-range nuclear forces) Treaty's provisions for verification and on-site inspection are but one example of the powerful pull which openness is already exerting in a key area of our relations.

We must seek steady progress toward a new world order, one of peace, justice, and cooperation. In this time of change, a complicated interplay of international relationships complicates the management of our bilateral affairs. But new patterns of interaction also offer new opportunities for cooperation and progress. Let us grasp those opportunities.

Mr. General Secretary, Mrs. Gorbachev, to your health, to the health of the President and Mrs. Reagan, and to the Soviet and American peoples. (Applause.)

May I express my gratitude for your invitation to the U.S. Department of State, a highly authoritative body. In international politics, much depends on the people who work here. At any rate, without their participation, what we witnessed and took part in yesterday would not have happened.

Yesterday, the President of your country and I signed a treaty eliminating a whole class—to be more precise, two classes—of nuclear arms. As a result, the world will be rid of a total of some 2,000 deadly warheads. The number is not all that big, but the impact is great.

We regard it as a start in implementing the vision of a nuclear-free world, which I proposed on behalf of the Soviet leadership and the Soviet people almost 2 years ago, on January 1, 1985. Since then, I have been asking myself: whether I continue to believe in the feasibility of that program, and whether it is, "Yes, I most certainly do."

The signing of the treaty on intermediate and shorter range missiles demonstrates that the road toward that goal is not at all easy. Yet it also shows that we have chosen the right road, and we can go on.

Using as an example the will of hundreds of millions of people, who are beginning to understand that as the 20th century draws to a close, civilization has approached a dividing line, not so much between different systems and ideologies, but between common sense and mankind's feelings of self-preservation, on the one hand, and irresponsibility, national selfishness, prejudice—to put it briefly, old thinking—on the other.

Mankind is beginning to realize it has had enough of wars, that an end must be put to wars, for good.

The two world wars, and the grueling cold war, along with minor wars which cost and continue to cost millions of lives, are too exorbitant a price to pay for adventurism, ambition, disregard for the interests and rights of others, the unwillingness or inability to reckon with reality, and with the legitimate right of all nations to make their own choice and seek their own place under the Sun.

This is the only way to achieve the goals of peace, justice and liberty, awareness of the value of each human life—much more than a practical matter.

Each new step in international life given a sensible and responsible approach to it, not only gives us a deeper insight into the problems, but also provides additional opportunities for their solution.

What matters now is that we cannot let these opportunities pass, and must use them as fully as possible to build a safe and secure democratic world, free from the trappings and the psychology of militarism.

Yesterday, when I signed the treaty and preparations for it were, without exaggeration, truly instructive. This has enriched our two countries in world politics, with the recognition of the significance of several difficult, yet simple truths. It is appropriate to mention some of them here.

First, while moving closer to each other, we have come to appreciate even more the role and importance of Soviet-American relations in the new environment of international affairs, together with our enormous responsibility not only to our own people, but also to the world community.

Secondly, we have felt how important is our allies' support for our efforts. On top of that, we have felt the substantial potential carried by their ideas and advice, by their concerned and genuine involvement, and by the coordination of our nations with them.

Thirdly, we have seen in practice how important is the understanding of one's intentions, proposals, and plans by the allies of one's partners, and of

course, the sympathy and even solidarity and simply the wishes of success, coming from many nations, big and small, from the developing world, from nonaligned nations.

All of this has confirmed persuasively a simple yet very important truth: peace in the world today cannot be a monopoly of one country or a group of countries, however powerful.

Peace is the concern and preoccupation of many, and increasingly of all of us together. And where many interest, respect, and cooperation are inevitable.

Peace from a position of strength is inherently unstable, whatever anyone might claim. By its very nature, it is based on confrontation, whether covert or overt. It is based on the permanent risk of flare-ups, on the temptation to try and use force.

For ages, mankind had to put up with such a bad peace. This can no longer be tolerated.

Some believe, that in the process of preparing the treaty, the Soviet side has conceded too much. Others, that it was the United States that made too many concessions. I think neither of you is correct. Each side has conceded as much as was necessary to balance their interests in this particular sphere.

In building an atmosphere of contacts and lively communication, of better knowledge of each other—something without which the treaty would have been difficult to achieve—we and, hopefully, you too have come to feel much more strongly that for us to remain different, to live as each of us wants to, to be able to argue with each other and uphold one's own view, it is imperative above all to preserve peace.

Yesterday, a fundamentally new and important, albeit modest, step was taken toward a more equitable and a more humane order in international relations. It would have taken a long time to achieve it, after all, always easier to pursue a good cause based on the experience of what has already been done.

Today, all of us are making the passage from knowledge as dogma to knowledge as thinking. We have begun

of other issues related to the nuclear confrontation.

We give credit to our American partners. Together, we gained the experience that will help seek solutions to even more challenging problems of equal and universal security. Most important of all is to translate into reality as early as possible agreements on radical cuts in strategic offensive arms subject to preserving the ABM (Anti-Ballistic Missile) Treaty, on the elimination of chemical weapons, and on reductions in conventional armaments.

On each of these problems, the Soviet Union has put forward specific proposals. We believe that agreements on them are within reach. We are hopeful that during next year's return visit of the U.S. President to the Soviet Union, we will achieve a treaty eliminating practically one-half of all existing strategic nuclear arms. There is also a possibility of achieving on substantial cuts in conventional forces and arms in Europe, whose buildup and upgrading caused justified concern.

Once all this is accomplished, we shall be able to say with confidence progress toward a secure world has become irreversible. The abolition of weapons of mass destruction, disarmament for development, that is the principle, and in fact, the sole effective way to resolve other problems that mankind is having to face as the 20th century draws to a close, and—problems—the implications of the new technological revolution—energy, mass poverty, hunger and disease, huge foreign debts, failure to balance the diverse interests and those of scores of peoples and countries. To cope with them, there have to be above all fresh approaches to problems of national and universal security.

I know that with the signing of the treaty on intermediate and shorter range missiles, some politicians and journalists are already speculating as to who has won. I reject this approach. It is a throwback to old thinking. Common sense has won, reason has won. True enough, it is not yet the greatest victory. But politically and psychologically, it is very important. It meets the aspirations and the interests of hundreds of millions of people throughout

the world. People want to live in a world in which they would not be haunted by the fear of nuclear catastrophe. People want to live in a world in which American and Soviet spacecrafts would come together for peaceful joint voyages, not for Star Wars. People want to live in a world in which they would not have to spend millions of dollars a day on weapons they could only use against themselves.

People want to live in a world in which everyone would enjoy the right to life, freedom, and happiness, and, of course, other human rights which must be guaranteed and respected for any developed society to exist normally—a world in which the prosperity of a few would not be achieved at the cost of the poverty and suffering of others. People want to have not only military, but also economic security. People want to live in a world where the democratic and free, with security for all and with every nation enjoying the right to its own social choice without outside interference.

People want to know the truth about each other and to feel at long last the great universal kinship of nations, ethnic groups, languages, and cultures. Can such a world be built? We in the Soviet Union are convinced that it can. Yes, it can. But this requires a most radical restructuring of international relations, to move toward such a world there has to be creative courage, new thinking, and a correct assessment of and respect for the interests of other nations as well as one's own economic, political and interests. There has to be peaceful will and a high sense of responsibility.

We in the Soviet Union have initiated a process of reassessing what has been achieved and of developing a new program of action, and we are implementing it. This is what we call perestroika. We have undertaken it without hesitation, for we realize that this is what our time demands. We have undertaken it because we want to elevate our society, speed up its development, make it more democratic and even, and release all of its potential

so as to improve materially and spiritually the life of our people. Our confidence in the future of our country and our conviction that a secure and civilized world can be built are organically interrelated.

On behalf of the Soviet leadership and of our entire people, I declare in international affairs, we are active and will continue to act responsibly and seriously. We know what our interests are, but we seek to accommodate them to the interests of others, and we are ready to meet each other halfway as equals.

The President and I have 3 days of intensive and important work ahead of us. Our talks are already underway. For our part, we will try to do all we can to achieve sensible, substantial results. Thank you.

Dinner Toasts,  
Dec. 8, 1987

President Reagan

In our public statements and in our meetings together, we've always paid each other the compliment of candor. So let us continue to do so.

By now you may have concluded that, while we have fundamental disagreements about how human communities should govern themselves, it's possible, all the same, for us to work together.

As we complete the first full day of this historic meeting, let us look back together at the developments of the past 2 years and the significance of what is taking place. For we find ourselves involved in a dramatic march of events that has captured the attention of our two peoples and the entire world.

Since you and I first met in Geneva in November 1985, our two countries have moved toward a new period in the history of our relations.

The highlight of your visit is the signing of the first U.S.-Soviet arms control agreement in nearly a decade—

the first ever to mandate actual reductions in the arsenals of nuclear weapons. We're making significant progress in other important areas of arms reduction, and have the opportunity, with mutual commitment and hard work, to achieve much more in the coming months.

But our relationship—the United States and the Soviet Union—is not founded just on arms control, but reaches across a broad spectrum of issues. A relationship that addresses the basic problems of self-determination in the areas of regional conflicts and human rights. There are differences here, but ones that require frankness and candor. In bilateral matters, we also need hard and honest debate.

A century-and-a-half ago, the brilliant French observer, De Tocqueville, foresaw that our two countries would be the major countries of the world. History, geography, the blessings of resources, and the hard work of our peoples have made it so. And between us, there has also been a profound competition of political and economic philosophy, making us the protagonists in a drama with the greatest importance for the future of all mankind. Man's most fundamental beliefs about the relationship of the citizen to the state, and of man to his Creator, lie at the core of the competition between our two countries. History has indeed endowed our relationship with a profound meeting.

Certainly we will not settle those issues this week. But the tasks before us require a full awareness of those issues, and of a responsibility that is binding on us both. I speak of a responsibility we dare not compromise or shirk. I speak of the responsibility to settle our differences—in peace.

Already, by virtue of hard work and hard bargaining, we've accomplished much and our negotiators deserve great credit. But we cannot afford to rest. There is more work to be done. And time and history are marching on.

So I offer a toast—a commitment on behalf of the American people, of



## FEATURE The Washington Summit

seriousness, good will, and hope for the future. General Secretary and Mrs. Gorbachev, to your health. Za zdravye i zdorovie.

General Secretary Gorbachev:

I take power into my hands now while the President is busy. [Laughter.] Last summer it took a daring American girl by the name of Lynn Cox a mere 2 hours to swim the distance separating our two countries. On television we saw how sincere and cordial the meeting was between the people—between our people and the Americans when she stepped onto the Soviet shore. By her courage she showed how close to each other our two peoples live.

Without minimizing the great political and ideological distances between us, we want to seek and find avenues of rapprochement in areas where this is of

vital importance for our two countries and for all humankind. That is precisely what we are here for. In my 1986 New Year's Eve address on American television, I spoke of our hopes for a better future. By that time, Mr. President, you and I had already had 2 days of face-to-face talks in Geneva. This enabled me to tell Americans in my New Year's address that the winter of our discontent may one day come to an end. Today, following Reykjavik and the extensive preparatory work that has made our meeting in Washington possible, it can be said that the winter is on the wane.

A boundless world stretches far and wide beyond the walls of this house, and you and I, if you will, are accountable to it and to the peoples of our two countries, to our allies and friends, and to all our contemporaries. The Russian word, *perestroika*, can be applied to the process now underway all



President Reagan and General Secretary Gorbachev meet in the Oval Office Study on December 8. U.S. interpreter Dmitry Zarechnak (left) and Soviet interpreter Pavel Palashchenko (right) attend the meeting.



our governments not get in the way of friendships between our peoples.

Mr. Gorbachev, I hope that during your short time here you will see that we Americans are a dynamic and energetic lot, people of enterprise, and an abiding love of freedom. We believe in God and care about others who are in need. We are proud and independent. Like the peoples of your country, we believe our country should be strong, but we desire peace. Have no doubt about that. The longing for peace runs deep here, second only to our fervency for the preservation of our liberty. Americans believe people should be able to disagree and still respect one another, still live in peace with one another. That is the spirit, the democratic spirit, that I will bring to our meetings.

So on behalf of myself and Mrs. Reagan, and on behalf of all the citizens of the United States, General Secretary Gorbachev, Mrs. Gorbachev, welcome.

General Secretary Gorbachev:

Thank you very much for the cordial welcome and kind words of greeting.

History has charged the governments of our countries and the two of us, Mr. President, with a solemn duty to justify the hopes of Americans and Soviet people, and of people the world over to undo the logic of the arms race by working together in good faith.

In the Soviet development much will depend upon the choice that we are to make—upon what is to triumph—fears and prejudice inherited from the cold war and leading to confrontation, or common sense which calls for action to ensure the survival of civilization.

We, in the Soviet Union, have made our choice. We realize that we are divided not only by the oceans, but also by profound historical, ideological, socioeconomic, and cultural differences. But the wisdom of politics today lies in not using those differences as a pretext for confrontation, enmity, and the arms race.

We are beginning our visit 46 years after the days when the United States entered the Second World War, and it

was in those same days in 1941 that the route of Nazi forces began near Moscow—that is symbolic. Those days mark the beginning of our common path to victory over the forces of evil, in a war which we fought as allies.

History is thus reminding us both of our opportunities, and of our responsibility. Indeed, the very fact that we are about to sign a treaty eliminating Soviet and U.S. intermediate and shorter range nuclear missiles, which



President Reagan and General Secretary Gorbachev at arrival ceremony.

are now going to be scrapped, shows that at crucial phases in history, our two nations are capable of shouldering their high responsibility.

*This will, of course, be the first step down the road leading to a nuclear-free world whose construction you, Mr. President, and I discussed at Reykjavik. Yes, it is a great step into the future—the future to which our two peoples and the peoples of all countries aspire.*

I have come to Washington with the intention of advancing the next and more important goal of reaching agreement to reduce, by half, strategic offensive arms in the context of a firm guarantee of strategic stability. We are also looking forward to a most serious and frank dialogue on other issues of Soviet-American relations.

*Soviet foreign policy today is most intimately linked with perestroika—the domestic restructuring of Soviet society. The Soviet people have boldly taken the path of radical reform and development in all spheres—economic, social, political, and intellectual.*

Democratization and glasnost are the decisive prerequisites for the success of those reforms. They also provide the guarantee that we shall go a long way, and that the course we are pursuing is irreversible. Such is the will of our people.

In charting these ambitious plans, the Soviet people have a vital stake in preserving and strengthening peace everywhere on earth.

May I express the hope that the Soviet Union and the United States, working together with all nations, will take their place in the history of the outgoing 20th century, not only as allies in the battle against Nazism, but also as nations that have paved mankind's way to a safe world, free from the threat of nuclear annihilation.

On behalf of the Soviet people, I declare that we are prepared to go all the way along our part of the road with the sincerity and responsibility that benefit a great and peaceful power.

## Remarks at INF Treaty Signing Ceremony, Dec. 8, 1987

President Reagan

This ceremony and the treaty we are signing today are both excellent examples of the rewards of patience. It was over 6 years ago, November 18, 1981, that I first proposed what would come to be called the zero option. It was a simple proposal—some might say, disarmingly simple. Unlike treaties in the past, it didn't simply codify the status quo or a new arms buildup; it didn't simply talk of controlling an arms race. For the first time in history, the language of arms control was replaced by arms reduction. In this case, the complete elimination of an entire class of U.S. and Soviet nuclear missiles.

Of course, this required a dramatic shift in thinking, and it took conventional wisdom some time to catch up. Reaction, at the least, was mixed. To some, the zero option was simply visionary and unrealistic; to others, merely a propaganda ploy. Well, with patience, determination, and commitment, we've made this impossible vision a reality.

General Secretary Gorbachev, I'm sure you're familiar with Ivan Krylov's famous tale about the swan, the crawfish, and the pike. It seems that once upon a time these three were trying to move a wagonload together. They hitched and harnessed themselves to the wagon. It wasn't very heavy, but no matter how hard they worked the wagon just wouldn't move. You see, the swan was flying upward, the crawfish kept crawling backward, the pike kept making for the water. The end result was that they got nowhere, and the wagon is still there to this day.

Strong and fundamental moral differences continue to exist between our nations, but today, on this vital issue, at least, we've seen what can be accomplished when we pull together.

The numbers alone demonstrate the value of this agreement. On the Soviet side, over 1,600 deployed warheads

will be removed and all ground-launched intermediate-range missiles, including the SS-20s, will be destroyed. On our side, our entire complement of Pershing II and ground-launched cruise missiles, with some 400 deployed warheads, will all be destroyed. Additional backup missiles on both sides will also be destroyed.

But the importance of this treaty transcends numbers. We have listened to the wisdom in an old Russian maxim. And I'm sure you're familiar with it, Mr. General Secretary, though my pronunciation may give you difficulty. The maxim is: *doveriya, no provoryai—trust, but verify.*

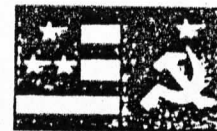
General Secretary Gorbachev, You repeat that at every meeting. [Laughter and applause.]

President Reagan. I like to. [Laughter.]

This agreement contains the most stringent verification regime in history, including provisions for inspection teams actually reading in each other's territory and searching for on-site inspection as well. This treaty protects the interests of America's friends and allies. It also embodies another important principle, the need for *glasnost, a greater openness—in military programs and forces.*

We can only hope that this history-making agreement will not be an end in itself, but the beginning of a working relationship that will enable us to tackle the other issues—urgent issues before us—strategic offensive nuclear weapons; the balance of conventional forces in Europe; the destructive and tragic regional conflicts that beset so many parts of our globe; and respect for the human and natural rights God has granted to all men.

To all here who have worked so hard to make this vision a reality, I thank you and congratulations, above all to Ambassadors Giltman and Obukhov. To quote another Russian proverb—as you can see, I'm becoming quite an expert—[laughter]—in Russian proverbs—“The harvest comes more from sweat than from the dew.”



## FEATURE The Washington Summit

2-22-88(06)

Mem # 864

Department  
of State

# bulletin

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Number 2131

February 1988



The Washington Summit  
and  
the INF Treaty



FEATURE  
The Washington Summit

## Visit of General Secretary Gorbachev of the Soviet Union

*General Secretary Mikhail S. Gorbachev  
of the Union of Soviet Socialist Republics  
made an official working visit  
to Washington, D.C., December 7-10, 1987,  
to meet with President Reagan  
and other government officials.*

### Arrival Remarks, Dec. 8, 1987<sup>1</sup>

#### President Reagan

I have welcomed a good number of foreign leaders to the White House in these last 7 years, and today marks a visit that is perhaps more momentous than many which have preceded it because it represents a coming together, not of allies, but of adversaries. And yet I think you'll find during your stay that the American people believe that a stranger is a friend they have yet to meet, and that there is still a well-spring of good will here.

Indeed, I know that many of our citizens have written to you and Mrs. Gorbachev and have even sent you the keys to their homes. That honest gesture certainly reflects the feelings of many Americans toward you and Mrs. Gorbachev and toward your people. I have often felt that our people should have been better friends long ago.

But let us have the courage to recognize that there are weighty differences between our governments and systems—differences that will not go away by wishful thinking or expressions of good will, no matter how sincerely delivered. This uncomfortable reality

need not be reason for pessimism, however. It should provide us with a challenge—an opportunity to move from confrontation toward cooperation.

There is a saying in your country that a poor peace is better than a good quarrel. Well, it's up to us with hard work, commitment, and a heavy dose of realism to change the poor peace that has existed between our countries and make it into a good one. Today we will take a giant step in that direction by signing a historic treaty that will rid the world of an entire class of U.S. and Soviet nuclear weapons. Mr. Gorbachev: mir na nas smatret—the world is watching and we've got something to show them, and over the next few days, it is my hope that progress will be made toward achieving another agreement which will lead to the cutting in half of our strategic nuclear arsenals.

During the Second World War, Soviet General, later Marshal Chulikov, a front-line commander liked to tell the story of a soldier who said he had captured a bear, and he was asked to bring it along. "I can't," replied the soldier, "the bear won't let me."

General Secretary Gorbachev, like the soldier in Marshal Chulikov's story, our peoples for too long have been both the masters and the captives of a deadly arms race. This situation is not

preordained and not part of some inevitable course of history. We make history. Changing its direction is within our power. However, such change is not easy and can be accomplished only when leaders of both sides have no illusions, talk with candor, and meet differences head on. Such, I hope, will be the spirit of our upcoming meetings.

On the table will be not only arms reduction, but also human rights issues, about which the American people and their government are deeply committed. These are fundamental issues of political morality that touch on the most basic of human concerns.

I would hope we will also candidly discuss regional conflicts. The parties to these conflicts should negotiate solutions that restore the peace and advance the rights and freedom of the peoples involved. We cannot afford to view these as far away brush fires. Even small flames risk larger conflagrations and undermine positive developments between our two countries.

Let us also consider ways to expand the contact between our own citizens. The Soviet and American peoples can and should know more about each other. The barriers between them should be taken down, restrictions on travel and communications lifted, personal relations between our young people fostered. Let disagreement between



AP Laserphoto

## Summit flag

An Adelphi Md. construction worker glances at the flag he put up Friday at the Department of Commerce in Washington, site of of the press center for the super-

power summit between President Reagan and Soviet leader Mikhail Gorbachev next week.

Hanford Sentinel - Dec. 7, 1987

Hanford, California



support the national credit structure and that these conditions affect transactions in agricultural commodities with a national public interest, and burden and obstruct the normal channels of interstate commerce."

(b) Section 2 (1) is amended by striking out "balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish" and inserting in lieu thereof the following: "orderly marketing conditions for agricultural commodities in interstate commerce as will establish".

(c) Section 8a (6) is amended by striking out "the provisions of this section, or of".

(d) Section 8c (5) (B) (d) is amended by striking out "production" and inserting in lieu thereof "marketings".

(e) Section 8c (6) (B) is amended by striking out "produced or"; and by striking out "production or sales of" and inserting in lieu thereof "quantities available for sale by".

(f) Section 8c is amended by adding at the end thereof the following:

#### "MILK PRICES

"(18) The Secretary of Agriculture, prior to prescribing any term in any marketing agreement or order, or amendment thereto, relating to milk or its products, if such term is to fix minimum prices to be paid to producers or associations of producers, or prior to modifying the price fixed in any such term, shall ascertain, in accordance with section 2 and section 8c, the prices that will give such commodities purchasing power equivalent to their purchasing power during the base period. The level of prices which it is declared to be the policy of Congress to establish in section 2 and section 8c shall, for the purposes of such agreement, order, or amendment, be such level as will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand, of milk or its products in the marketing area to which the contemplated marketing agreement, order, or amendment relates. Whenever the Secretary finds, upon the basis of the evidence adduced at the hearing required by section 8b or 8c, as the case may be, that the prices that will give such commodities a purchasing power equivalent to their purchasing power during the base period as determined pursuant to section 2 and section 8c are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand of milk and its products in the marketing area to which the contemplated agreement, order, or amendment relates, he shall fix such prices as he finds will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. Whenever, as the Secretary finds necessary on account of changed circumstances, he shall, after due notice and opportunity for hearing, make adjustments in such prices.

#### "PRODUCER REFERENDUM

"(19) For the purpose of ascertaining whether the issuance of an order is approved or favored by producers, as required under the applicable provisions of this title, the Secretary may conduct a referendum among producers. The requirements of approval or favor for any such provision shall be held to be complied with if, of the number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving is equal to or in excess of the percentage required

Establishing, etc.,  
orderly marketing  
conditions.

District Courts:  
jurisdiction.  
48 Stat. 675; 49 Stat.  
762.

Milk price adjust-  
ments.  
49 Stat. 755.

Allocations.  
49 Stat. 756.

Section added.  
49 Stat. 761.

Milk prices.

48 Stat. 32; 49 Stat.  
750, 762.

49 Stat. 752, 753.

Adjustments.

Producer referen-  
dum.

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Cooperative association representation.  
49 Stat. 759.

Conversion factors; provision repealed.  
45 Stat. 37.

Geographical application.  
43 Stat. 37, 575.

"Interstate or foreign commerce" defined.

Agricultural commodity, etc., marketing transaction.

"State" construed.

Appropriations.  
45 Stat. 528.

Arbitration of milk disputes.

Conduct of meetings.

Approval of award.

under such provision. Nothing in this subsection shall be construed as limiting representation by cooperative associations as provided in subsection (12)."

(g) Section 10 (c) is amended by striking out "including regulations establishing conversion factors for any commodity and article processed therefrom to determine the amount of tax imposed or refunds to be made with respect thereto".

(h) Section 10 (f) is amended by striking out the last sentence thereof.

(i) Section 10 is amended by adding at the end thereof the following new subsection:

"(j) The term 'interstate or foreign commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia. For the purpose of this Act (but in nowise limiting the foregoing definition) a marketing transaction in respect to an agricultural commodity or the product thereof shall be considered in interstate or foreign commerce if such commodity or product is part of that current of interstate or foreign commerce usual in the handling of the commodity or product whereby they, or either of them, are sent from one State to end their transit, after purchase, in another, including all cases where purchase or sale is either for shipment to another State or for the processing within the State and the shipment outside the State of the products so processed. Agricultural commodities or products thereof normally in such current of interstate or foreign commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. As used herein, the word 'State' includes Territory, the District of Columbia, possession of the United States, and foreign nations."

(j) Section 12 (a) is amended by striking out "and production adjustments".

SEC. 3. (a) The Secretary of Agriculture, or such officer or employee of the Department of Agriculture as may be designated by him, upon written application of any cooperative association, incorporated or otherwise, which is in good faith owned or controlled by producers or organizations thereof, of milk or its products, and which is bona fide engaged in collective processing or preparing for market or handling or marketing (in the current of interstate or foreign commerce, as defined by paragraph (i) of section 2 of this Act), milk or its products, may mediate and, with the consent of all parties, shall arbitrate if the Secretary has reason to believe that the declared policy of the Agricultural Adjustment Act, as amended, would be effectuated thereby, bona fide disputes, between such associations and the purchasers or handlers or processors or distributors of milk or its products, as to terms and conditions of the sale of milk or its products. The power to arbitrate under this section shall apply only to such subjects of the term or condition in dispute as could be regulated under the provisions of the Agricultural Adjustment Act, as amended, relating to orders for milk and its products.

(b) Meetings held pursuant to this section shall be conducted subject to such rules and regulations as the Secretary may prescribe.

(c) No award or agreement resulting from any such arbitration or mediation shall be effective unless and until approved by the Secretary of Agriculture, or such officer or employee of the Department

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of Agriculture as may be designated by him, and shall not be approved if it permits any unlawful trade practice or any unfair method of competition.

(d) No meeting so held and no award or agreement so approved shall be deemed to be in violation of any of the antitrust laws of the United States.

SEC. 4. Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to, or any provision of, or any act of the Secretary of Agriculture in connection with, any such agreement, license, or order which has been executed, issued, approved, or done under the Agricultural Adjustment Act, or any amendment thereof, but such marketing agreements, licenses, orders, regulations, provisions, and acts are hereby expressly ratified, legalized, and confirmed.

SEC. 5. No processing taxes or compensating taxes shall be levied or collected under the Agricultural Adjustment Act, as amended. Except as provided in the preceding sentence, nothing in this Act shall be construed as affecting provisions of the Agricultural Adjustment Act, as amended, other than those enumerated in section 1. The provisions so enumerated shall apply in accordance with their terms (as amended by this Act) to the provisions of the Agricultural Adjustment Act, this Act, and other provisions of law to which they have been heretofore made applicable.

SEC. 6. This Act may be cited as the "Agricultural Marketing Agreement Act of 1937".

Approved, June 3, 1937.

#### [CHAPTER 297]

#### JOINT RESOLUTION

To authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That for the purpose of defraying the expenses of participation by the Government of the United States in the Eleventh International Dairy Congress, to be held in Berlin, Germany, in 1937, an appropriation in the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized for personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended, stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers and periodicals; official cards; printing and binding; entertainment; local transportation and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

SEC. 2. That the delegates shall make a report to Congress of the results and conclusions of the said dairy congress.

Approved, June 3, 1937.

Agreements, etc., not deemed violation of antitrust laws.

Agreements, orders, etc., under Agricultural Adjustment Act ratified.

Agricultural Adjustment Act.  
No processing, etc., taxes to be levied under.  
Provisions affected.

Applicability.

Short title.

June 3, 1937  
[H. J. Res. 193]  
[Pub. Res., No. 33]

Eleventh International Dairy Congress.  
Appropriation authorized for participation expenses.  
Post, p. 770.

Services in the District.

Contracts without advertising.  
R. S. § 3709.  
41 U. S. C. § 5.

Reimbursement of other appropriations.

Report to Congress.

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right in his basic appraisal of the situation, that strength was necessary for successful dealings with the Soviet Union and Western Europe could not be restored to military and economic strength without massive aid from America—a reversal of the process of withdrawal and pellmell demobilization that was then under way. But I wished that he might have coupled his appeal for Western unity and strength with a more positive and conciliatory approach to the Soviet Union, seeking common ground upon which the U.S.S.R. might be persuaded to return to its wartime policy of collaboration and to join with the West in the United Nations in a genuine effort to build a common system of security. There was nothing incompatible, I felt, between such an effort and a policy of rebuilding Western strength, either then or later. The development and strengthening of the United Nations could not and should not wait upon the rejuvenation of Western Europe. They should go hand in hand. It was to this end that I resolved to devote all my influence as Secretary-General in the months that lay ahead.

### CHAPTER III

## THE SECRETARIAT: OUTPOST IN THE STRUGGLE FOR PEACE

*The role of the Secretary-General.—Great powers agree on allocation of Assistant Secretaryships-General.—The problem of guarding a geographical balance.—Recruiting a crew for a ship already on her course.*

NOTWITHSTANDING concern with the developing political situation on the world scene, most of my time in the hectic weeks in London following my election was occupied by the preliminary shaping of my views as to the role the Secretary-General should play, and with the first steps in the creation of the Secretariat. Both grave considerations of high principle and policy, and practical political realities of a somewhat less elevated but very human kind, had to be taken into account.

Article 99 of the Charter states:

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

This Article confers upon the Secretary-General of the United Nations world political responsibilities which no individual, no representative of a single nation, ever had before. Furthermore from it derived further rights that were soon to be written into the rules of procedure of the Security Council, the General Assembly, the Economic and Social Council and the Trusteeship Council. The Secretary-General was to be empowered to propose items for the



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*IN  
THE  
CAUSE  
OF  
PEACE*

*Seven Years with the United Nations*

THE MACMILLAN COMPANY-NEW YORK

1954

and firmly based upon the Constitution, and unless it can be abrogated our great Republic cannot be taken into this spurious world government.

Ours is the only Government in the world that is qualifiedly exists for the people. The people built it. It was done by them. It was done for them. Most foreign countries have the opposite view. There the people exist for the government. How in the world can true, loyal Americans believe that a Government like ours could mix with governments of opposite views, and present a mongrel world government that does not believe in our Constitution?

The avowed purpose of the United Nations was to bring peace to the world. It had a great appeal to all classes, because in this country the people do not want war. But time has revealed the fact that the United Nations is more concerned with changing the Constitution of the United States than it is with world peace. We would need no organ-

ization of this character to obtain peace. If it were not for Russia, Russia and her satellites are the only ones indulging in aggression, yet Russia is a member of the organization which professes peace, but is actually spreading war. Russia holds a powerful position in the United Nations, for the military head of that organization has always been a Russian citizen, and always will be, for a secret agreement made in London between Molotov and Alger Hiss provides that the Russians should hold that office permanently. Russia is recognized by this country and maintains a cesspool of Communists right here in this great Capital City. She can speak her ism with impunity. She gets all the privileges of the United Nations, yet her daily action is absolutely against what the United Nations was avowedly organized for.

Under the United Nations and under the recognition of our Government, Russia has a powerful position of advantage

from which to carry on her cold war and cause us to expend ourselves until we are resourceless. That is the doctrine put forward by Karl Marx, and the Russians follow that course not only gladly, but thoroughly and consistently.

Russia's only hope to overrun the United States is to do it by intrigue and the spread of communism among our own people, and through our recognition of her and her position in the United Nations this process is going forward, to the everlasting satisfaction of the Soviets.

How long it will take the American people to rise up in their might and demand our withdrawal from this communistic enterprise I do not know. But they are becoming more enlightened as the days pass.

Our only fear for the security of the future is the fear that our own people will fall victims to this Russian world propaganda.

## HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1954

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou God of all majesty and mercy, daily during this Holy Week, we are reminded of those events and scenes in the life of our blessed Lord whose sacred significance our finite minds cannot comprehend.

Give us the humble spirit and the contrite heart as we follow, in thought, the King of Kings who, on Palm Sunday, proclaimed His sovereignty and the High Priest who, on Good Friday, laid upon the altar the acceptable sacrifice of His own life for the sins of the world.

We penitently confess that we cannot fathom the mystery of His sufferings and death but may we find in it all the supreme revelation of a love that seeks our redemption and will never let us go.

May the days of this Passion Week evoke within us the faith and hope that the time is coming when the whole world shall be lifted by the spirit of the crucified Saviour and risen Lord out of its tragedies and tribulations, its chaos and confusion, into the glorious orbit of justice and righteousness, peace, and good will.

In His name we offer our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

### SPECIAL ORDER GRANTED

Mr. BAILEY asked and was given permission to address the House for 30 minutes on Wednesday next, following any special orders heretofore entered.

### STAND FIRM, MR. DULLES

Mr. BYRD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BYRD. Mr. Speaker, recently Mr. Harold Stassen, Director of Foreign Aid Operations, went to London to confer on the easing of restrictions on East-West trade, and the United States sustained a diplomatic defeat. The British-French view obtained, not only to the extent of encouraging more East-West trade but also in the agreement to revise thoroughly the definition of what constitutes strategic goods.

One of the primary conflicts between Red totalitarian philosophy and economic democracy is the unending contest to demonstrate the superiority of the respective system. Clearly, the economic philosophy of Western democracy has proved its superiority; so, with the cold war in full force, with Moscow's campaign of hate America unabated, with the West pledged to bring the opportunities of self-determination to captive peoples, what do we do? We surrender at one fell swoop the economic advantages we have won in the struggle against communism.

Moreover, the press today, Mr. Speaker, brings us the disquieting news that Anthony Eden, British Foreign Minister, is presently endeavoring to persuade Secretary of State Dulles to refrain from seeking a unified warning from the West to the Communist bloc against any possible aggression in Southeast Asia. Mr. Dulles flew to London in an effort to get the Western Powers to present a united front on this crucial issue. But I am sad to say he has been met apparently with the old ostrich-like pre-Munich appeasement blindness. This kind of weak, indecisive, vacillating policy, Mr. Speaker, never protects the peace; it only invites war.

Now, as never before, is the time for constant vigilance. The administration and the Congress need to be ever alert to new and subtle forms of appeasement. Peace through strength must be our

policy, and it should be implemented in all of its varied forms and ramifications. Stand firm, Mr. Dulles, stand firm.

### THE LATE JOSEPH P. TUMULTY

The SPEAKER. The Chair recognizes the gentleman from New Jersey [Mr. HART].

Mr. HART. Mr. Speaker, on last Thursday morning I was profoundly shocked and saddened by the receipt of news that Joseph P. Tumulty, who had been confidential secretary to Woodrow Wilson as Governor of New Jersey and as President of the United States, was dead. The leading newspapers of the Nation and the radio informed readers and listeners of this tragic event. But their accounts dealt almost altogether with the achievements and influence of Mr. Tumulty after his arrival upon the national scene. The fullest and most moving of these reports and the best that has come to my attention is that which David Lawrence wrote in his syndicated column for April 12, which I shall insert in the Record immediately after my remarks. Mr. Lawrence, highly talented observer of public affairs, was well acquainted with both Woodrow Wilson and Mr. Tumulty before their advent to Washington. In fact, he had been a student of Woodrow Wilson while in attendance at Princeton University. But the sad intelligence of Mr. Tumulty's death set me to indulging in recollections, recollections of days long, long ago, and of fine men associated with them, nearly all of whom have passed to their reward. I have been thinking of the Persian poet, and of the cruel finger which having writ moves relentlessly on. I have been thinking back four decades and more, almost to the turn of the century. After a long period of complacency, democracy was stirring again. It was coming alive to the realization that it was being throttled by overpowering forces, that devices conceived by cunning groups of men were frustrating its larger purposes, and that it must bestir it-



to be included in the national organizations, which have indicated interest in the proposed music center.

Respectfully yours,  
AMERICAN GUILD OF ORGANISTS,  
S. LEWIS ELMER,  
National President.

### Indebtedness of Italy to the United States

#### EXTENSION OF REMARKS OF

HON. LAWRENCE H. SMITH

OF WISCONSIN

#### IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1954

Mr. SMITH of Wisconsin. Mr. Speaker, under leave to extend my remarks, I am herewith inserting into the CONGRESSIONAL RECORD an itemized report on the indebtedness of Italy to the United States, prepared for me by the Library of Congress:

#### What Italy owes the United States

World War I indebtedness (as of July 1, 1953):	
Principal.....	\$1,618,400,000.00
Due and unpaid.....	386,500,000.00
Interest.....	102,112,659.34
Total.....	2,107,012,659.34

Repayments:	
Principal, funded debts.....	37,100,000.00
Principal, unfunded debts.....	364,319.28
Interest, funded debts.....	5,766,708.26
Interest, unfunded debts.....	57,598,852.62
Total.....	100,829,880.16

Indebtedness.....	2,107,012,659.34
Repayments.....	100,829,880.16
Balance.....	2,006,182,779.18

Lend-lease aid (cumulatively, Mar. 11, 1941-Mar. 31, 1951): <sup>1</sup>	
Tanks and vehicles.....	1,811,662.37
Vessels and other watercraft.....	51,200,389.05
Miscellaneous military equipment.....	182,038.75
Agricultural, industrial, and other commodities.....	132,510,223.06
Services and expenses.....	667,365.64
Total.....	186,371,678.87

Foreign grants and credits (period July 1, 1940, through June 30, 1953): <sup>2</sup>	
Grants:	
American Red Cross Army (civilian supplies).....	3,183,000.00
Interim aid.....	410,107,000.00
Mutual security:	
Economic assistance.....	176,006,000.00
Military aid.....	1,326,325,000.00
Technical assistance.....	18,745,000.00
UNRRA.....	1,170,000.00
Post-UNRRA.....	416,769,000.00
Treasury (civilian goods).....	117,414,000.00
Total.....	134,487,000.00
Total.....	2,604,205,000.00

<sup>1</sup> No reverse lend-lease aid was received from Italy.

<sup>2</sup> No payments requested on grants.

Credits	Net authorizations	Balance owing
Export-Import Bank loans.....	\$147,865,000	\$52,210,000
Defense materials procurement.....	1,342,000	2,912,000
Mutual Security loans.....	85,600,000	95,600,000
Maritime Administration (ships).....	65,222,000	46,435,000
Surplus property.....	144,072,000	123,673,000
Total.....	456,101,000	314,829,000
Balance outstanding on July 1, 1953.....	\$314,829,000.00	
Principal repaid by July 1, 1953.....	141,272,000.00	
Total loans and credits.....	456,101,000.00	

#### Recapitulation (status as of July 1, 1953):

World War I aid.....	\$2,006,182,779.18
Lend-lease.....	186,371,678.87
Grants.....	2,604,205,000.00
Loans.....	314,829,000.00
Total.....	5,111,588,458.05

### Lethal Genocide Convention Destroys Individual Rights

#### EXTENSION OF REMARKS

OF

HON. USHER L. BURDICK

OF NORTH DAKOTA

#### IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1954

Mr. BURDICK. Mr. Speaker, the Genocide Convention passed by the United Nations is a fine-sounding document, but like other conventions adopted by that organization it has an ulterior purpose.

The dictionary defines genocide as the systematic destruction of a racial, political, or cultural group of people. Very few people in this world can be found who would not be in favor of putting a stop to this barbarous practice, but in framing this convention the United Nations used this great abhor as an instrument to shield its real purpose.

In defining genocide the United Nations has gone beyond all past understanding of its meaning, and under the terms as this organization interprets it, if anyone, anywhere, even makes a statement reflecting upon any group or a member of any group which has the effect of injuring their feelings, then a crime has been committed and the persons or persons making the statement are ipso facto guilty of the crime of genocide. Knowing full well that such a law could not be enforced in the United States, the United Nations has made elaborate preparations to implement it.

First of all, the interpretation of this law, and trials conducted under it, are not entrusted to the courts of this or any other country, but come under the jurisdiction of a court of its own which the United Nations has set up—an International Court of Justice which has civil and criminal jurisdiction.

For several years now, lawyers have been working on the construction of this code, and under it a person charged with the offense of genocide is tried wherever the United Nations may decide. The

alleged offender can be taken out of this country, if here is where he uttered the statements that hurt the feeling of some group or a member of a group, and sent to any country the United Nations deems proper, for trial.

When he is tried—and it may be for his life—he does not have the protection of the Constitution and the laws of the United States, but he is subject to the United Nations code of law and its constitution.

In order to get around the provisions of our Constitution in regard to free speech, a free press, and free religion, and deny the citizens of this country that protection, the Genocide Convention and the Covenant of Human Rights boldly attempt to redefine these landmarks of liberty, and a new definition of free speech, a free press, and free religion appear. It boldly denies the terms of our Constitution which guarantee these fundamental rights to the people of this country, and sets up conditions that were not even thought of or discussed in our Constitutional Convention. The effect of this new definition of these three basic rights actually is to set aside the provisions of our own Constitution.

Why is it necessary to abrogate our own Constitution in any particular if the only purpose of the convention is to put a stop to the crime of genocide? Does any provision of our Constitution favor this crime? No, sir; not a single provision.

Why cannot our own courts be trusted to handle the crime of genocide? No, sir; they cannot be trusted; hence the United Nations builds a court of its own, in defiance of the protection given by United States courts to every person charged with crime.

Every move made by the United Nations in framing its various conventions are of the same character as this genocide convention. The covenant of human rights is another example. It sounds well, on the face of it, but immediately it attacks the Constitution of the United States. The very charter of the United Nations does the same thing. The United Nations is not an organization to preserve peace, but a sinister attempt to form a world government, with a house and senate, a judicial system, a tax system and a police system.

UNESCO is another attempt to destroy the United States. In that agency patriotism is attacked, and instead of building love of country, the United Nations Educational, Scientific, and Cultural Organization directly attempts to eradicate it. Children are taught that reverence for the great men of our past tends to build a strong national spirit and that conflicts with the United Nations design to build a strong reverence for a world government.

Nothing the United Nations has yet proposed in any field seems willing to accept our Constitution and way of life as it is and to proceed constitutionally. Every move made is a move to abrogate, or redefine, or amend our Constitution. The purpose behind this drive is to prepare the United States for entry into a world government—and under our constitution this cannot be done. The sovereignty of the United States is squarely

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a Representative from Pennsylvania; Lawrence County, Pa., December 1836; attended public schools; enlisted in the United States Army and served in Europe as a flight sergeant; major in Air Force Reserve; was appointed chief of police of Erie, Pa., in 1884; elected to the Eighty-third Congress North Atlantic Treaty Organization, to the Christian Leadership Conference in 1968, and to International Brotherhood of Teachers in 1962-1968; elected as a Democrat to the nine succeeding Congresses, January 3, 1965, until his resignation; unsuccessful candidate for reelection to the Ninety-fifth Congress; is a resident of

representative from Maine; born in Maine, August 2, 1801; attended the lumber and shipping school of the State senate in 1847; the Thirtieth Congress (March 4, 1847); died in the manufacture of lumber; 1855; died in Brooklyn, N.Y., on Greenwood Cemetery.

Representative from Pennsylvania; ownership, Erie County, Pa., Janu- common schools and the Erie Acad- emy school, Edinboro, Pa., in 1866; Collegiate Institute, Willoughby, ight school, was graduated from ol in 1870, from Harvard Univer- sity Law School in 1877; was ill Erie, Pa., in March 1878; the Edison electric light inter- in Erie, Pa., in 1882, continuing n until 1887, was admitted to the 1884, member of the common coun- and edited the Erie Gazette 1890- ublican city and county commit- of Erie from July 11, 1896, until e State senate in 1911, 1913, and e to the Sixty-fifth Congress (1919); was not a candidate for e Sixty-sixth Congress; resumed n, judge of the orphans' court for d in Erie, Pa., on February 15, 1929.

Representative from North Caro- leaufort County, N.C., September non schools, and was graduated th Carolina at Chapel Hill in itted in the bar and commenced outh County, N.C., member of a 1834-1836, solicitor for the dis- Democrat to the Twenty-ninth arch 3, 1847), moved to Green- id resumed the practice of law; uary 8, 1869, interment at his le, N.C.

a Representative from New Conn., November 29, 1816; was

graduated from Williams College, Williamstown, Mass., in 1833; studied law; was admitted to the bar and commenced practice in New York City in 1837, where he was prominent in financial, political, and railroad circles; elected as a Democrat to the Thirty-fifth Congress and reelected as an Anti-Lecompton Democrat to the Thirty-sixth Congress (March 4, 1857-March 3, 1861); became director of the New York & Harlem Railroad, and subsequently was president of the Union, Pacific, the Michigan Southern, and many other railroads; active manager of the Western Union Telegraph Co. and president of the Union Trust Co.; died in New York City on June 19, 1878; interment in Woodlawn Cemetery.

Bibliography: DAB.  
CLARK, James (brother of Christopher Henderson Clark and uncle of John Bullock Clark), a Representative from Kentucky; born near the Peaks of Otter in Bedford County, Va., January 16, 1770; moved with his parents to Clark County, Ky., in 1794; was educated by private tutors, attended Plagah Academy, Woodford County, Ky.; studied law; was admitted to the bar and commenced practice in Winchester, Ky., in 1797; member of the State house of representatives in 1807 and 1808; appointed judge of the court of appeals in 1810; elected as a Republican to the Thirteenth and Fourteenth Congresses and served from March 4, 1813, until his resignation in 1816; judge of the circuit court 1817-1824; elected to the Nineteenth Congress to fill the vacancy caused by the resignation of Henry Clay; reelected to the Twentieth and Twenty-first Congresses and served from August 1, 1826, to March 3, 1831; chairman, Committee on Territories (Twenty-first Congress); member of the State senate 1831-1835; elected, as a Whig, Governor of Kentucky in 1836, and served until his death in Frankfort, Ky., September 27, 1839; interment in the private burial ground of the old Clark home at Winchester, Clark County, Ky.

Bibliography: DAB.  
CLARK, James Beauchamp (Champ) (father of Joel Bennett Clark), a Representative from Missouri; born near Lawrenceburg, Anderson County, Ky., March 7, 1850, attended the common schools and Kentucky University at Lexington; was graduated from Bethany (W.Va.) College in 1873 and from Cincinnati Law School in 1876, president of Marshall College, Huntington, W.Va., in 1873 and 1874, admitted to the bar in 1876; edited a country newspaper and practiced law; moved to Bowling Green, Pike County, Mo., in 1876; city attorney of Louisiana, Mo., and Bowling Green, Mo., 1878-1881; deputy prosecuting attorney and prosecuting attorney of Pike County 1885-1889; member of the State house of representatives in 1889 and 1891; delegate to the Trans-Mississippi Congress at Denver in May 1891; elected as a Democrat to the Fifty-third Congress (March 4, 1893-March 3, 1895); unsuccessful candidate for reelection in 1894 to the Fifty-fourth Congress; elected to the Fifty-fifth and to the eleven succeeding Congresses and served from March 4, 1897, until his death, minority leader (Sixtieth and Sixty-first Congresses), Speaker of the House of Representatives (Sixty-second through Sixty-fifth Congresses), minority leader (Sixty-sixth Congress), unsuccessful candidate for reelection in 1920 to the Sixty-seventh Congress, chairman of the Democratic National Convention in 1904, died in Washington, D.C., on March 2, 1921, funeral services were held in the Hall of the House of Representatives, interment in City Cemetery, Bowling Green, Mo.

Bibliography: DAB; Clark, Champ, *My Quarter Century of American Politics* 2 vols New York Harper, 1920; Morrison, Geoffrey F., *A Political Biography of Champ Clark* Ph.D. dissertation, St. Louis University 1972

CLARK, James West, a Representative from North Carolina; born in Bertie County, N.C., October 18, 1779; was graduated from Princeton College in 1797; member of the State house of commons in 1802, 1803, and 1811; presidential elector on the Madison ticket in 1812; member of the State senate 1812-1814; elected as a Republican to the Fourteenth Congress (March 4, 1816-March 3, 1817); appointed chief clerk of the Navy Department by Secretary Branch and served from 1829 to 1831; died in Tarboro, Edgecomb County, N.C., December 20, 1843.

CLARK, Jerome Bayard, a Representative from North Carolina; born on Phoenix Plantation near Elizabethtown, Bladen County, N.C., April 5, 1832; attended the public schools, Davidson (N.C.) College, and the University of North Carolina at Chapel Hill; studied law; was admitted to the bar in 1906 and commenced practice in Elizabethtown, N.C.; president of the Bank of Elizabethtown 1910-1922; served in the State house of representatives in 1915; moved to Fayetteville, N.C., in 1920 and continued the practice of law; member of the State Democratic committee 1909-1919; member of the North Carolina State Judicial Conference 1924-1928; elected as a Democrat to the Seventy-first and to the nine succeeding Congresses (March 4, 1929-January 3, 1949); chairman, Committee on Elections No. 1 (Seventy-second and Seventy-third Congresses); was not a candidate for renomination in 1948; resumed the practice of law; died in Fayetteville, N.C., August 26, 1959; interment in Cross Creek Cemetery No. 3.

CLARK, Joel Bennett (son of James Beauchamp Clark), a Senator from Missouri; born in Bowling Green, Mo., January 8, 1890; attended the public schools at Bowling Green, Mo., and at Washington, D.C.; graduated from the University of Missouri at Columbia in 1912, and from the law department of George Washington University, Washington, D.C., in 1914; parliamentarian of the United States House of Representatives 1913-1917; was admitted to the Missouri bar in 1914; during the First World War served in the United States Army 1917-1919; attained the rank of colonel; commenced the practice of law in St. Louis, Mo., in 1919; author and compiler of several manuals on parliamentary law; elected as a Democrat to the United States Senate in 1932 for the term commencing March 4, 1933, and was subsequently appointed to the Senate to fill the vacancy caused by the resignation of Harry B. Hawes for the term ending March 3, 1935; reelected in 1938 and served from February 8, 1938, to January 3, 1945; unsuccessful candidate for renomination in 1944; chairman, Committee on Inter-oceanic Canals (Seventy-fifth through Seventy-eighth Congresses); member of the Board of Regents, Smithsonian Institution 1940-1944; associate justice of the United States Court of Appeals for the District of Columbia from 1945 until his death in Gloucester, Mass., July 13, 1954; interment in Arlington National Cemetery, Fort Myer, Va.

Bibliography: DAB; Spencer, Thomas T. "Bennett Champ Clark and the 1938 Presidential Campaign" *Missouri Historical Review* 76 (January 1981): 197-212.

CLARK, John Bullock (father of John Bullock Clark, Jr., and nephew of Christopher Henderson Clark and James Clark), a Representative from Missouri; born in Madison County, Ky., April 17, 1802; attended the country schools, studied law; was admitted to the bar in 1824 and practiced in Fayette, Mo.; clerk of the Howard County courts 1824-1834; colonel of Missouri Mounted Volunteers in the Black Hawk War in 1832, major general of militia in 1848; member of the State house of representatives 1860 and 1861; elected as a Democrat to the Thirty-fifth Congress to fill the vacancy caused by the resignation of James S. Green; reelected to

the Thirty-sixth and Thirty-seventh Congresses and served from December 7, 1857, until July 13, 1861, when he was expelled for having taken up arms against the union. A Senator from Missouri in the First Confederate Congress, and a Representative in the Second Confederate Congress; brigadier general of Missouri Confederate State troops; practiced law until his death in Fayette, Howard County, Mo., October 23, 1886; interment in Fayette Cemetery.

CLARK, John Bullock, Jr. (son of John Bullock Clark), a Representative from Missouri; born in Fayette, Howard County, Mo., January 14, 1831; attended Fayette Academy and the University of Missouri at Columbia; spent two years in California for travel and adventure; returned to the East and was graduated from the law department of Harvard University in 1854; was admitted to the bar and practiced in Fayette, Mo., from 1855 until the commencement of the Civil War, when he entered the Confederate Army as a lieutenant; promoted successively to the rank of captain, major, colonel, and brigadier general; resumed the practice of law in Fayette, Mo.; elected as a Democrat to the Forty-third and to the four succeeding Congresses (March 4, 1873-March 3, 1883); chairman, Committee on the Post Office and Post Roads (Forty-fourth Congress); unsuccessful candidate for renomination in 1882; clerk of the House of Representatives 1883-1889; engaged in the practice of law in Washington, D.C., until his death there, September 7, 1903; interment in Rock Creek Cemetery.

CLARK, John Chamberlain, a Representative from New York; born in Pittsfield, Mass., January 14, 1793; pursued preparatory studies; was graduated from Williams College, Williamstown, Mass., in 1811; was admitted to the bar and commenced practice in Hamilton, N.Y.; moved to Bainbridge, Chenango County, about 1818; district attorney 1823-1827; elected to the Twentieth Congress (March 4, 1827-March 3, 1829); elected as a Democrat to the Twenty-fifth Congress (March 4, 1837-March 3, 1839), but changed his politics on the appearance of President Van Buren's message in 1837 favoring an independent Treasury; reelected as a Whig to the Twenty-sixth and Twenty-seventh Congresses (March 4, 1839-March 3, 1843); served as First Auditor of the Treasury from August 3 to October 31, 1849, moved to Chemung County, N.Y., and engaged in the lumber business; died in Elmira, Chemung County, N.Y., October 25, 1862; interment in St. Peter's Churchyard, Bainbridge, N.Y.

CLARK, Joseph S. Hill, a Senator from Pennsylvania; born in Philadelphia, Pa., October 21, 1901; attended Chestnut Hill Academy; was graduated from Middlesex School in 1919, Harvard University in 1923, and the University of Pennsylvania Law School in 1926; was admitted to the bar in 1926 and commenced the practice of law in Philadelphia, Pa.; during the Second World War served with the United States Army Air Corps 1941-1945, attaining the rank of colonel; city controller of Philadelphia 1950-1952; mayor of Philadelphia 1952-1956; member of board of overseers, Harvard University 1953-1958; elected as a Democrat to the United States Senate in 1956; reelected in 1962 and served from January 3, 1967, to January 3, 1969, unsuccessful candidate for reelection in 1968; professor, Temple University 1969; president, World Federalists, U.S.A., chairman, Coalition on National Priorities and Military Policy; author, is a resident of Philadelphia, Pa.

Bibliography: Clark, Joseph S. *The Senate Establishment* New York Hill and Wang, 1963; Clark, Joseph S. *Congress The Sapscore Branch* New York Harper and Row, 1964.



"Why, I cannot tell you, for it is certainly the most fantastic, harebrained blueprint for surrender on record."

"Old Nikita himself might just as well have written it. And if more of the American people knew about this scheme there would be a nationwide uproar that would make the reaction to the Alger Hiss scandal look like another era of good feeling by comparison."

"Last September President Kennedy addressed the United Nations and spoke of the desire of the United States to reach an agreement on disarmament. His stand has been echoed by Adlai Stevenson, our chief delegate and Ambassador to the U.N."

"Where Kennedy and Stevenson spoke in general terms, the State Department bulletin deals in specifics. It supplies the term for those vague goals the administration hopes to gain through the U.N."

"What are these terms? The State Department document summarizes the proposals as a 'new program [which] provides for the progressive reduction of war-making capabilities of nations and the simultaneous strengthening of international institutions to settle disputes and maintain the peace.' This program is broken down into three phases or parts."

"In the first phase, all nuclear weapons tests by nations would be prohibited, production of fissionable material stopped, strategic delivery systems reduced, and conventional arms and armed forces would be cut."

"In the second phase, present stocks of nuclear weapons would be reduced, further cuts would be made in armed forces, armaments, and delivery systems, and military bases and facilities would be dismantled. At the same time, a peace force would be established for the United Nations."

"In the third and final phase, all nations would possess only those forces, nonnuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a U.N. peace force."

"This force would be fully functioning, and would be sufficiently strong to overpower any individual nation or combination of nations resisting its will."

"There you have it. One, two, three, bingo. The U.N. rules the world."

"And who rules the U.N.? That is the question. If for one moment old Nikita thinks he isn't going to rule the U.N., you can bet your last kopek he's not going to fall for a trap like this."

"As soon as he and Mr. Nehru, Mr. Mrumah, Mr. Sukarno, and a few other scoundrels count enough votes to come up with a winning combination, such a proposal will be a natural for them, and there won't be any more kopeks left for us to count. That's the beauty of the system—from Mr. Khrushchev's point of view, of course. It's heads he wins, tails we lose."

"And speaking of votes, one of the most interesting—if most frightening—aspect of this proposal is the lineup on an 18-nation negotiating body in the U.N. which soon will be considering this disarmament scheme."

"Originally, this committee was composed of five Western nations (Britain, Canada, France, Italy, and the United States) and five Soviet bloc nations (Bulgaria, Czechoslovakia, Poland, Rumania, and the U.S.S.R.). But the sharp division of these two factions resulted in a complete deadlock, and on June 27, 1960, the Soviets walked out."

"Then somebody came up with the bright idea of adding eight independent nations to the committee as a compromise—two Asian, two African, two Latin American, one Middle Eastern, and one European."

"The future of this country—and of the free world may very well depend upon how those eight nations line up."

"At the moment the future is looking very dark. For from Asia, they picked Burma and India; from Africa, Nigeria and Ethiopia; from Latin America, Mexico and Brazil; Egypt from the Middle East, and Sweden from Europe."

"Five of these nations—a clear majority—recently voted in favor of seating Red China in the U.N. and kicking Chiang out. These five nations are Burma, Egypt, Ethiopia, India, and Sweden."

"Moreover, Mexico was the only Latin American nation (other than Cuba, of course) to oppose fully a resolution by the Organization of American States calling for a Foreign Ministers' Conference on the Cuban threat of Communist invasion of the hemisphere."

"Brazil, which refused to support this same measure by abstaining on the vote, has already proclaimed its disapproval of any measures which the Foreign Ministers might take to deal with Castro. The Brazilian Government has officially called upon the United States and other hemisphere nations to coexist with Cuban communism."

"How many friends does this leave the United States on the all-important U.N. Disarmament Committee? You count 'em. I'm sick."

Mr. CLARK. Readers of the Record will note that my distinguished colleague made certain statements to which I take strong dissent.

First, he said:

Every day more and more people share a growing concern for the preoccupation of the State Department and some people in high places with the issue of disarmament.

Second, he said:

I think it is naive and unrealistic to be preoccupied with the question of disarmament.

Third, he said:

We know that the Communist conspiracy has no intention of coexisting with us.

Mr. President, I take strong exception to each of those three statements.

In the column which the junior Senator from Texas inserted in the Record, its author, Mr. Ken Thompson, referred to what he calls—as stated in the article:

One of the most incredible documents ever to emerge from the foggy corridors of the State Department is a bulletin entitled "Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World."

I continue to quote from Mr. Thompson:

As skeptical as I have always been of the measure of good sense and loyalty within the State Department, I never would have believed that these people we call our diplomats could so completely and unabashedly advocate the surrender of American rights and sovereignty until this bulletin appeared.

Mr. President, I submit that both the junior Senator from Texas and Mr. Thompson are pretty far off base in the comments which I have noted.

In the first place, the program entitled, "Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World," is not some pamphlet dreamed up in what is referred to as the "foggy corridors of the State Department." It is the fixed, determined, and approved policy of the Government of the United States of America. It was laid down by the President of the United States, John Fitz-

gerald Kennedy, in a speech he made before the United Nations on September 25 of last year—a speech which I think will ring down through the corridors of history.

That program, when it was submitted by the President of the United States, had the approval not only of the State Department but also of the President's then disarmament adviser, Mr. McCloy, who was its principal author; of the Department of Defense; and of the Atomic Energy Commission. It represents the fixed and determined policy of the executive arm of the U.S. Government.

If individuals, whether on or off this floor, desire to criticize that program, they should turn their criticism not against some subordinates in the State Department but against the Commander in Chief of the Armed Forces of the United States of America, the President of the United States.

I recall to Members the dramatic statement made by the President in that splendid address before the United Nations, to the effect that he challenged the Soviet Union to a race for peace, not a race for war. In that connection I suggest that the program presented by our President at that time has, by implication at least, the full support of the Congress of the United States.

Mr. President, in my view the President's program for total and permanent disarmament under enforceable world law is not only that of his administration but is also the kind of program which Congress envisioned when, last summer, it passed the statute creating the U.S. Arms Control and Disarmament Agency. That bill was passed on September 8 by the Senate by a vote of 73 to 14 only approximately 2 weeks before the President made his historic appearance before the United Nations. The bill was passed a few days later by the House of Representatives, by a vote of 280 to 54.

As expressed in the first annual report of the U.S. Arms Control and Disarmament Agency:

Successful arms control and disarmament negotiations are, of course, the chief purpose of the Agency's existence, and the goal to which its energies are directed.

Therefore, Mr. President, I submit that the executive and the legislative branches of our Government are substantially in accord in supporting the President's program for total and complete disarmament under enforceable world law, and I suggest that it is neither naive nor unrealistic—as was suggested by the junior Senator from Texas—for the Congress of the United States and the people of the United States to take an active, keen, and present interest in the subject of disarmament.

Far from its being naive to be preoccupied with this subject, I suggest that disarmament, world peace, and world law not only should be but are the constant preoccupation of all intelligent and educated men and women who desire to survive in freedom.

Mr. President, I am not one who believes in a theory of either national or international relationships by which we engage in a kind of international game



ing the second part of each step, the deposited armaments would be destroyed or, where appropriate, converted to peaceful uses. The number and location of such depots and arrangements respecting their establishment and operation would be set forth in an annex to the Treaty.

d. In accordance with arrangements which would be set forth in a Treaty annex on verification, the International Disarmament Organization would verify the foregoing reduction and would provide assurance that retained armaments did not exceed agreed levels.

### *3. Limitation on Production of Armaments and on Related Activities*

a. Production of all armaments listed in subparagraph b of paragraph 1 above would be limited to agreed allowances during Stage I and, by the beginning of Stage II, would be halted except for production within agreed limits of parts for maintenance of the agreed retained armaments.

b. The allowances would permit limited production of each type of armament listed in sub-paragraph b of paragraph 1 above. In all instances during the process of eliminating production of armaments, any armament produced within a type would be compensated for by an additional armament destroyed within that type to the end that the ten per cent reduction in numbers in each type in each step, and the resulting thirty per cent reduction in Stage I, would be achieved.

c. The testing and production of new types of armaments would be prohibited.

d. The expansion of facilities for the production of existing types of armaments and the construction or equipping of facilities for the production of new types of armaments would be prohibited.

e. The flight testing of missiles would be limited to agreed annual quotas.

f. In accordance with arrangements which would be set forth in the annex on verification, the international disarmament organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing measures were not conducted at undeclared locations.

### *4. Additional Measures*

The Parties to the Treaty would agree to examine unresolved questions relating to means of accomplishing in Stages II and III the reduction and eventual elimination of production and stockpiles of chemical and biological weapons of mass destruction. In light of this examination, the Parties to the Treaty would agree to arrangements concerning chemical and biological weapons of mass destruction.

## **By Article Forces**

### *1. Reduction of Armed Forces*

Force levels for the United States of America and the Union of Soviet Socialist Republics would be reduced to 2.1 million each and for other specified Parties to the Treaty to agreed levels not exceeding 2.1 million each. All other Parties to the Treaty would, with agreed exceptions, reduce their force levels to 100,000 or one per cent of their population, whichever were higher, provided that in no case would the force levels of such other Parties to the Treaty exceed levels in existence upon the entry into force of the Treaty.

### *2. Armed Forces Subject to Reduction*

Agreed force levels would include all full-time, uniformed personnel maintained by national governments in the following categories:

a. Career personnel of active armed forces and other personnel serving in the active armed forces on fixed engagements or contracts.

b. Conscripts performing their required period of full-time active duty as fixed by national law.

c. Personnel of militarily organized security forces and of other forces or organizations equipped and organized to perform a military mission.

### *3. Method of Reduction of Armed Forces*

The reduction of force levels would be carried out in the following manner:

a. Those Parties to the Treaty which were subject to the foregoing reductions would submit to the International Disarmament Organization a declaration stating their force levels at the agreed date.

b. Force level reductions would be accomplished in three steps, each having a duration of one year. During each step force levels would be reduced by one-third of the difference between force levels existing at the agreed date and the levels to be reached at the end of Stage I.

c. In accordance with arrangements that would be set forth in the annex on verification, the International Disarmament Organization would verify the reduction of force levels and provide assurance that retained forces did not exceed agreed levels.

### *4. Additional Measures*

The Parties to the Treaty which were subject to the foregoing reductions would agree upon appropriate arrangements, including procedures for consultation, in order to ensure that civilian employment by military establishments would be in accordance with the objectives of the obligations respecting force levels.

Parties to the Treaty and other transition requirements had been satisfied. Stage III would begin when all states possessing armed forces and armaments had become Parties to the Treaty and other transition requirements had been satisfied. Disarmament, verification, and measures for keeping the peace would proceed progressively and proportionately beginning with the entry into force of the Treaty.

## STAGE I

Stage I would begin upon the entry into force of the Treaty and would be completed within three years from that date.

During Stage I the Parties to the Treaty would undertake:

1. To reduce their armaments and armed forces and to carry out other agreed measures in the manner outlined below;
2. To establish the International Disarmament Organization upon the entry into force of the Treaty and to carry out the agreed manner of verification through the
3. To strengthen armaments measures outlined below

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THE SAME AS

"BLUEPRINT"

EARLIER

### 1. Reduction of Armaments

#### a. Specified Parties to

and complete disarmament in a peaceful world, would reduce by thirty per cent the armaments in each category listed in subparagraph b. below. Each type of armament in the categories listed in subparagraph b. would be reduced by thirty per cent of the inventory existing at an agreed date.

b. All types of armaments within agreed categories would be subject to reduction in Stage I (the following list of categories, and of types within categories, is illustrative):

(1) Armed combat aircraft having an empty weight of 10,000 kilograms or greater; missiles having a range of 5,000 kilometres or greater, together with their related fixed launching pads; and submarine launched missiles and air-to-surface missiles having a range of 300 kilometres or greater.

(Within this category, the United States, for example, would declare as types of armaments: the B-52 aircraft; Atlas missiles together with their related fixed launching pads; Titan missiles together with their related fixed launching pads; Polaris missiles; Hound Dog missiles; and each new type of armament, such as Minuteman missiles, which came within the category description, together with, where applicable, their related fixed launching pads. The de-

clared inventory of types within the category by other Parties to the Treaty would be similarly detailed.)

(2) Armed combat aircraft having an empty weight of between 15,000 kilograms and 40,000 kilograms and those missiles not included in category (1) having a range between 300 kilometres and 5,000 kilometres, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category.)

(3) Armed combat aircraft having an empty weight of between 2,500 and 15,000 kilograms. (The Parties would declare their armaments by types within the category.)

(4) Surface-to-surface (including submarine-launched missiles) and air-to-surface aerodynamic and ballistic missiles and free rockets having a range of between 10 kilometres and 300 kilometres, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category.)

(5) Anti-missile missile systems, together with related fixed launching pads. (The Parties would declare their armaments by types within the category.)

(6) Surface-to-air missiles other than anti-missile missile systems, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category.)

(7) Tanks. (The Parties would declare their armaments by types within the category.)

(8) Armoured cars and armoured personnel carriers. (The Parties would declare their armaments by types within the category.)

(9) Artillery, and mortars and rocket launchers having a caliber of 100 mm. or greater. (The Parties would declare their armaments by types within the category.)

(10) Combatant ships with standard displacement of 400 tons or greater of the following classes: Aircraft carriers, battleships, cruisers, destroyer types and submarines. (The Parties would declare their armaments by types within the category.)

### 2. Method of Reduction

a. Those Parties to the Treaty which were subject to the reduction of armaments would submit to the International Disarmament Organization an appropriate declaration respecting inventories of their armaments existing at the agreed date.

b. The reduction would be accomplished in three steps, each consisting of one year. One-third of the reduction to be made during Stage I would be carried out during each step.

c. During the first part of each step, one-third of the armaments to be eliminated during Stage I would be placed in depots under supervision of the International Disarmament Organization. Dur-

ing the second part of each step, the deposited armaments would be destroyed or, where appropriate, converted to peaceful uses. The number and location of such depots and arrangements respecting their establishment and operation would be set forth in an annex to the Treaty.

d. In accordance with arrangements which would be set forth in a Treaty annex on verification, the International Disarmament Organization would verify the foregoing reduction and would provide assurance that retained armaments did not exceed agreed levels.

### *3. Limitation on Production of Armaments and on Related Activities*

a. Production of all armaments listed in subparagraph b of paragraph 1 above would be limited to agreed allowances during Stage I and, by the beginning of Stage II, would be halted except for production within agreed limits of parts for maintenance of the agreed retained armaments.

b. The allowances would permit limited production of each type of armament listed in sub-paragraph b of paragraph 1 above. In all instances during the process of eliminating production of armaments, any armament produced within a type would be compensated for by an additional armament destroyed within that type to the end that the ten per cent reduction in numbers in each type in each step, and the resulting thirty per cent reduction in Stage I, would be achieved.

c. The testing and production of new types of armaments would be prohibited.

d. The expansion of facilities for the production of existing types of armaments and the construction or equipping of facilities for the production of new types of armaments would be prohibited.

e. The flight testing of missiles would be limited to agreed annual quotas.

f. In accordance with arrangements which would be set forth in the annex on verification, the international disarmament organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing measures were not conducted at undeclared locations.

### *4. Additional Measures*

The Parties to the Treaty would agree to examine unresolved questions relating to means of accomplishing in Stages II and III the reduction and eventual elimination of production and stockpiles of chemical and biological weapons of mass destruction. In light of this examination, the Parties to the Treaty would agree to arrangements concerning chemical and biological weapons of mass destruction.

## **Part II - Armed Forces**

### *1. Reduction of Armed Forces*

Force levels for the United States of America and the Union of Soviet Socialist Republics would be reduced to 2.1 million each and for other specified Parties to the Treaty to agreed levels not exceeding 2.1 million each. All other Parties to the Treaty would, with agreed exceptions, reduce their force levels to 100,000 or one per cent of their population, whichever were higher, provided that in no case would the force levels of such other Parties to the Treaty exceed levels in existence upon the entry into force of the Treaty.

### *2. Armed Forces Subject to Reduction*

Agreed force levels would include all full-time, uniformed personnel maintained by national governments in the following categories:

a. Career personnel of active armed forces and other personnel serving in the active armed forces on fixed engagements or contracts.

b. Conscripts performing their required period of full-time active duty as fixed by national law.

c. Personnel of militarily organized security forces and of other forces or organizations equipped and organized to perform a military mission.

### *3. Method of Reduction of Armed Forces*

The reduction of force levels would be carried out in the following manner:

a. Those Parties to the Treaty which were subject to the foregoing reductions would submit to the International Disarmament Organization a declaration stating their force levels at the agreed date.

b. Force level reductions would be accomplished in three steps, each having a duration of one year. During each step force levels would be reduced by one-third of the difference between force levels existing at the agreed date and the levels to be reached at the end of Stage I.

c. In accordance with arrangements that would be set forth in the annex on verification, the International Disarmament Organization would verify the reduction of force levels and provide assurance that retained forces did not exceed agreed levels.

### *4. Additional Measures*

The Parties to the Treaty which were subject to the foregoing reductions would agree upon appropriate arrangements, including procedures for consultation, in order to ensure that civilian employment by military establishments would be in accordance with the objectives of the obligations respecting force levels.



# UNITED STATES ARMS CONTROL and DISARMAMENT AGENCY

STAFF: 150

BUDGET: \$6,500,000

MISSION: DISARMAMENT

- POLICY
- NEGOTIATIONS
- RESEARCH

Advisory Committee; the Review Panel; the Agency's Research Council and its Intelligence Committee; and in cooperation with the Department of State, to the Committee of Principals chaired by the Secretary of State.

A key task involved backstopping the U.S. delegation to the 18-Nation Disarmament Committee meetings in Geneva, beginning in March 1962, including detail of Secretariat personnel to the U.S. delegation secretariat, communications and documentation to and from Geneva, and liaison with the Department of State's Office of International Conferences on administrative and personnel arrangements for the delegation.

The Secretariat also edited and published a monthly ACDA Activities Report and daily and weekly classified summaries of policy developments in the disarmament field. These reports are designed to insure that other interested organizations within government have available to them a continuing flow of information on developing disarmament policies.

Other important normal activities included directing and controlling the prompt and orderly flow of information documents, maintaining followup on action papers and communications to insure completion on schedule, and review of cables, memorandums, letters, and

position papers to insure accordance with or to reflect authorized changes in established national policy.

## Reference Research Staff

The Reference Research Staff provides research and reference services in support of the activities of the Agency, including the conduct of the research program, the formulation of policy, and the carrying on of international negotiations. The research undertaken by the Staff is frequently short term, often performed on request from the other bureaus and offices of ACDA. It is generally background in character, and is the kind of research that is heavily dependent on documentary collections and other library source materials. The reports of the Reference Research Staff cover a wide variety of topics. Typical subjects include surveys and analyses of other countries' proposals or policies on disarmament and arms control, comparisons between the disarmament proposals or policies of the United States and other countries, historical reviews of positions taken by governments on specific issues in disarmament negotiations, or compilations of statements by officials or of statistical data.

At times, extended in-house research projects are undertaken. One such project was the preparation of the Agency publication entitled *International Negotiations on Ending Nuclear Weapon Tests, September 1961-September 1962*. This historical and documentary survey supplements an earlier "white paper" released by the Department of State in 1961 which reviewed and analyzed the Geneva Conference on the Discontinuance of Nuclear Weapon Tests. The Reference Staff also edits the annual volume of *Documents on Disarmament*, a selection of significant official documents issued by governments and various international organizations. In addition, this Office has cognizance over certain historical projects in the Agency's contract research program, including studies of past arms limitation negotiations and arrangements. The Staff also services the U.S. delegation to the 18-Nation Disarmament Conference in Geneva carrying out diverse research assignments, including the preparation of a detailed analytical index of the official proceedings of the Conference.

Another prominent activity of this Staff arises from Executive Order No. 11044 on "Interagency Coordination of Arms Control and Disarmament Matters." (See Appendix I.) Under this order, the Director of ACDA is responsible for planning and developing a program of government research and studies on arms control and disarmament policy. The order enjoins him to maintain a "continuing inventory" of government research activities and to submit to the

the board" approach, by preserving the existing relative balance in present military establishments between nuclear and conventional striking power during the whole disarmament process, is a fair approach which protects the security interests of all nations.

The U.S. plan also provides for the reduction of forces of the United States and the Soviet Union to 2.1 million in Stage I and 1.05 million in Stage II, with corresponding reductions by other nations. Stage I of the U.S. plan contains essential measures to meet the nuclear threat, especially by a cutoff of the production of fissionable materials for nuclear weapons purposes. Further measures to reduce and eventually eliminate nuclear weapons remaining in national arsenals would be carried out in Stages II and III of the U.S. program after the completion of international expert studies. The United States proposes completion of Stages I and II in 3 years each and Stage III as soon as possible.

Provision is also made for appropriate inspection and verification at all stages. Adequate assurance must be provided not only as to arms destroyed, but also as to permitted levels of retained arms. It is not anticipated that verification would have to be excessive to be effective but its intensity would be commensurate with the specific disarmament measure under consideration. The United States has suggested a progressively rational system of inspection as a possible way of assuring observance of the treaty.

The U.S. plan further proposes the establishment of an International Disarmament Organization within the U.N. framework. It also contains specific provisions for a prohibition against placing weapons of mass destruction in outer space, the institution of measures aimed at reducing the risk of war which could be initiated prior to the conclusion of an overall disarmament treaty, and the strengthening of peacekeeping arrangements through improved procedures for peaceful settlements of disputes and the eventual establishment of an international peace force.

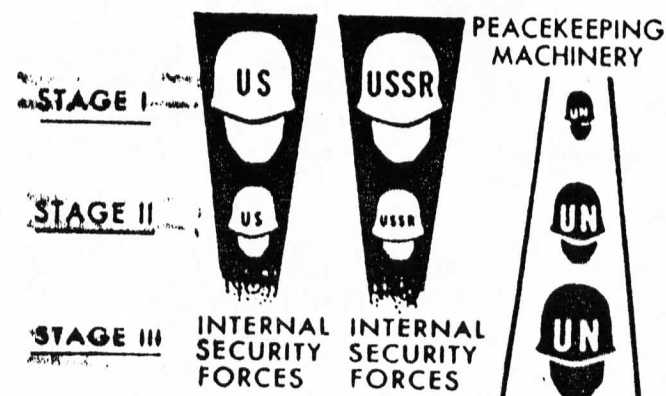
In contrast, the Soviet plan places emphasis on reducing selected categories of armaments in each of its three stages. Accordingly, the Soviet draft treaty initially sought a 100 percent reduction in nuclear delivery vehicles in Stage I although the nuclear weapons themselves would not be eliminated until Stage II. The Soviet Union thus rejects the United States across-the-board approach and advocates a method which would radically alter the existing relative balance at the very beginning of the disarmament process. The Soviet draft treaty was later revised to make provision for the United States and the Soviet Union to retain a limited number of intercontinental ballistic missiles, anti-missile missiles, and surface-to-air missiles dur-

ing Stages I and II. However, the overall Soviet approach remains substantially the same in that, even in the light of this shift, it is inadequate in terms of preserving the existing relative military balance. This remains a subject for further exploration. The Soviet Union later agreed, however, to a percentage reduction of conventional armaments. Coupled with the almost complete elimination of delivery means in Stage I, it also insists on the abolition of all foreign military bases and the withdrawal of all foreign troops from abroad.

On the matter of force levels, the Soviet Union originally proposed Stage I levels of 1.7 million for the United States and the Soviet Union and Stage II levels of 1 million although later expressing a willingness to accept a level of 1.9 million for Stage I. The Soviet position on verification calls only for arrangements to verify the destruction of agreed numbers of armaments. It makes no provision for a check of remaining levels to determine, for example, whether weapons have been secretly hidden.

According to the initial Soviet plan, all three stages were to occur over a 4-year period, with Stage I being carried out in 21 months; the overall time period was subsequently extended to 5 years, with Stage I extended to 2 years. Although the Soviet plan also advocates reliance upon a strengthened United Nations to maintain peace during

## U.S. THREE-STAGE DISARMAMENT PLAN



Item 125-A-4

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SECOND ANNUAL REPORT TO CONGRESS  
JANUARY 1, 1962-DECEMBER 31, 1962



the agreed period of Stage III ~~would~~, upon the request of such permanent member or members, be extended for a period or periods totalling no more than three months for the purpose of completing any uncompleted undertakings. If, upon the expiration of such period or periods, one or more of the permanent members of the Control Council should declare that such undertakings still had not been carried out, the question would be placed before a special session of the Security Council, which would determine whether Stage III had been completed.

3. After the completion of Stage III, the obligations undertaken in Stages I, II and III would continue.

## General Provisions Applicable to All Stages

### 1. Subsequent Modifications or Amendments of the Treaty

The Parties to the Treaty would agree to specific procedures for considering amendments or modifications of the Treaty which were believed desirable by any Party to the Treaty in the light of experience in the early period of implementation of the Treaty. Such procedures would include provision for a conference on revision of the Treaty after a specified period of time.

### 2. Interim Agreement

The Parties to the Treaty would undertake such specific arrangements, including the establishment of a Preparatory Commission, as were necessary between the signing and entry into force of the Treaty to ensure the initiation of Stage I immediately upon the entry into force of the Treaty, and to provide an interim forum for the exchange of views and information on topics relating to the Treaty and to the achievement of a permanent state of general and complete disarmament in a peaceful world.

### 3. Parties to the Treaty, Ratification, Accession, and Entry into Force of the Treaty

- a. The Treaty would be open to signature and ratification, or accession, by all members of the United Nations or its specialized agencies.
- b. Any other state which desired to become a Party to the Treaty could accede to the Treaty with the approval of the Conference on recommendation of the Control Council.
- c. The Treaty would come into force when it had been ratified by states, including the United States of America, the Union

of Soviet Socialist Republics, and an agreed number of the following states:

d. In order to assure the achievement of the fundamental purpose of a permanent state of general and complete disarmament in a peaceful world, the Treaty would specify that the accession of certain militarily significant states would be essential for the continued effectiveness of the Treaty or for the coming into force of particular measures or stages.

★ e. The Parties to the Treaty would undertake to exert every effort to induce other states or authorities to accede to the Treaty.

f. The Treaty would be subject to ratification or acceptance in accordance with constitutional processes.

★ g. A Depository Government would be agreed upon which would have all of the duties normally incumbent upon a Depository. Alternatively, the United Nations would be the Depository.

### 4. Finance

a. In order to meet the financial obligations of the International Disarmament Organization, the Parties to the Treaty would bear the International Disarmament Organization's expenses as provided in the budget approved by the General Conference and in accordance with a scale of apportionment approved by the General Conference.

b. The General Conference would exercise borrowing powers on behalf of the International Disarmament Organization.

### 5. Authentic Texts

The text of the Treaty would consist of equally authentic versions in English, French, Russian, Chinese and Spanish.

## E. RESEARCH AND DEVELOPMENT OF MILITARY SIGNIFICANCE

### 1. Reporting Requirement

The Parties to the Treaty would undertake the following measures respecting research and development of military significance subsequent to Stage III:

a. The Parties to the Treaty would report to the International Disarmament Organization any basic scientific discovery and any technological invention having potential military significance.

b. The Control Council would establish such expert study groups as might be required to examine the potential military significance of such discoveries and inventions and, if necessary, to recommend appropriate measures for their control. In the light of such expert study, the Parties to the Treaty would, where necessary, establish agreed arrangements providing for verification by the International Disarmament Organization that such discoveries and inventions were not utilized for military purposes. Such arrangements would become an annex to the Treaty.

c. The Parties to the Treaty would agree to appropriate arrangements for protection of the ownership rights of all discoveries and inventions reported to the International Disarmament Organization in accordance with subparagraph a above.

### 2. International Cooperation

The Parties to the Treaty would agree to support full international cooperation in all fields of scientific research and development, and to engage in free exchange of scientific and technical information and free interchange of views among scientific and technical personnel.

## F. REDUCTION OF THE RISK OF WAR

### 1. Improved Measures

In the light of the Stage II examination by the International Commission on Reduction of the Risk of War, the Parties to the Treaty would undertake such extensions and improvements of existing arrangements and such additional arrangements as appeared desirable to promote confidence and reduce the risk of war. The Commission would remain in existence to examine extensions, improvements or additional measures which might be taken during and after Stage III.

### 2. Application of Measures to Continuing Forces

The Parties to the Treaty would apply to national forces required to maintain internal order and protect the personal security of citizens

those applicable measures concerning the reduction of the risk of war that had been applied to national armed forces in Stages I and II.

## G. INTERNATIONAL DISARMAMENT ORGANIZATION

The International Disarmament Organization would be strengthened in the manner necessary to ensure its capacity: (1) to verify the measures undertaken in Stage III through an extension of arrangements based upon the principles set forth in Section G, paragraph 3 of Stage I so that by the end of Stage III, when all disarmament measures had been completed, inspection would have been extended to all parts of the territory of Parties to the Treaty; and (2) to provide continuing verification of disarmament after the completion of Stage III.

## H. MEASURES TO STRENGTHEN ARRANGEMENTS FOR KEEPING THE PEACE

### 1. Peaceful Change and Settlement of Disputes

The Parties to the Treaty would undertake such additional steps and arrangements as were necessary to provide a basis for peaceful change in a disarmed world and to continue the just and peaceful settlement of all international disputes, whether legal or political in nature.

### 2. Rules of International Conduct

The Parties to the Treaty would continue the codification and progressive development of rules of international conduct related to disarmament in the manner provided in Stage II and by any other agreed procedure.

### 3. United Nations Peace Force

The Parties to the Treaty would progressively strengthen the United Nations Peace Force established in Stage II until it had sufficient armed forces and armaments so that no state could challenge it.

## I. COMPLETION OF STAGE III

1. At the end of the time period agreed for Stage III, the Control Council would review the situation with a view to determining whether all undertakings to be carried out in Stage III had been carried out.

2. In the event that one or more of the permanent members of the Control Council should declare that such undertakings had not been carried out,

would cause to be dismantled or converted to peaceful uses all facilities for such purposes.

b. The foregoing measures would be carried out in an agreed sequence and through arrangements which would be set forth in an annex to the Treaty.

c. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing measures were not conducted at undeclared locations.

## B. ARMED FORCES

### 1. Reduction of Armed Forces

To the end that upon completion of Stage III they would have at their disposal only those forces and organizational arrangements necessary for agreed forces to maintain internal order and protect the personal security of citizens and that they would be capable of providing agreed manpower for the United Nations Peace Force, the Parties to the Treaty would complete the reduction of their force levels, disband systems of reserve forces, cause to be disbanded organizational arrangements comprising and supporting their national military establishment, and terminate the employment of civilian personnel associated with the foregoing.

### 2. Method of Reduction

a. The foregoing measures would be carried out in an agreed sequence through arrangements which would be set forth in an annex to the Treaty.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures and would provide assurance that the only forces and organizational arrangements retained or subsequently established were those necessary for agreed forces required to maintain internal order and to protect the personal security of citizens and those for providing agreed manpower for the United Nations Peace Force.

### 3. Other Limitations

The Parties to the Treaty would halt all military conscription and would undertake to annul legislation concerning national military establishments or military service inconsistent with the foregoing measures.

## C. NUCLEAR WEAPONS

### 1. Reduction of Nuclear Weapons

In light of the steps taken in Stages I and II to halt the production of fissionable material for use in nuclear weapons and to reduce nuclear weapons stockpiles, the Parties to the Treaty would eliminate all nuclear weapons remaining at their disposal, would cause to be dismantled or converted to peaceful use all facilities for production of such weapons, and would transfer all materials remaining at their disposal for use in such weapons to purposes other than use in such weapons.

### 2. Method of Reduction

a. The foregoing measures would be carried out in an agreed sequence and through arrangements which would be set forth in an annex to the Treaty.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures and would provide assurance that no nuclear weapons or materials for use in such weapons remained at the disposal of the Parties to the Treaty and that no such weapons or materials were produced at undeclared facilities.

## D. MILITARY BASES AND FACILITIES

### 1. Reduction of Military Bases and Facilities

The Parties to the Treaty would dismantle or convert to peaceful use the military bases and facilities remaining at their disposal, wherever they might be located, in an agreed sequence except for such agreed bases or facilities within the territory of the Parties to the Treaty for agreed forces required to maintain internal order and protect the personal security of citizens.

### 2. Method of Reduction

a. The list of military bases and facilities subject to the foregoing measure and the sequence and arrangements for dismantling or converting them to peaceful uses during Stage III would be set forth in an annex to the Treaty.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measure at declared locations and provide assurance that there were no undeclared military bases and facilities.



## E. RESEARCH AND DEVELOPMENT OF MILITARY SIGNIFICANCE

### 1. Reporting Requirement

The Parties to the Treaty would undertake the following measures respecting research and development of military significance subsequent to Stage III:

a. The Parties to the Treaty would report to the International Disarmament Organization any basic scientific discovery and any technological invention having potential military significance.

b. The Control Council would establish such expert study groups as might be required to examine the potential military significance of such discoveries and inventions and, if necessary, to recommend appropriate measures for their control. In the light of such expert study, the Parties to the Treaty would, where necessary, establish agreed arrangements providing for verification by the International Disarmament Organization that such discoveries and inventions were not utilized for military purposes. Such arrangements would become an annex to the Treaty.

c. The Parties to the Treaty would agree to appropriate arrangements for protection of the ownership rights of all discoveries and inventions reported to the International Disarmament Organization in accordance with subparagraph a above.

### 2. International Cooperation

The Parties to the Treaty would agree to support full international cooperation in all fields of scientific research and development, and to engage in free exchange of scientific and technical information and free interchange of views among scientific and technical personnel.

## F. REDUCTION OF THE RISK OF WAR

### 1. Improved Measures

In the light of the Stage II examination by the International Commission on Reduction of the Risk of War, the Parties to the Treaty would undertake such extensions and improvements of existing arrangements and such additional arrangements as appeared desirable to promote confidence and reduce the risk of war. The Commission would remain in existence to examine extensions, improvements or additional measures which might be taken during and after Stage III.

### 2. Application of Measures to Continuing Forces

The Parties to the Treaty would apply to national forces required to maintain internal order and protect the personal security of citizens

those applicable measures concerning the reduction of the risk of war that had been applied to national armed forces in Stages I and II.

## G. INTERNATIONAL DISARMAMENT ORGANIZATION

The International Disarmament Organization would be strengthened in the manner necessary to ensure its capacity: (1) to verify the measures undertaken in Stage III through an extension of arrangements based upon the principles set forth in Section G, paragraph 3 of Stage I so that by the end of Stage III, when all disarmament measures had been completed, inspection would have been extended to all parts of the territory of Parties to the Treaty; and (2) to provide continuing verification of disarmament after the completion of Stage III.

## H. MEASURES TO STRENGTHEN ARRANGEMENTS FOR KEEPING THE PEACE

### 1. Peaceful Change and Settlement of Disputes

The Parties to the Treaty would undertake such additional steps and arrangements as were necessary to provide a basis for peaceful change in a disarmed world and to continue the just and peaceful settlement of all international disputes, whether legal or political in nature.

### 2. Rules of International Conduct

The Parties to the Treaty would continue the codification and progressive development of rules of international conduct related to disarmament in the manner provided in Stage II and by any other agreed procedure.

### 3. United Nations Peace Force

The Parties to the Treaty would progressively strengthen the United Nations Peace Force established in Stage II until it had sufficient armed forces and armaments so that no state could challenge it.

## I. COMPLETION OF STAGE III

1. At the end of the time period agreed for Stage III, the Control Council would review the situation with a view to determining whether all undertakings to be carried out in Stage III had been carried out.

2. In the event that one or more of the permanent members of the Control Council should declare that such undertakings had not been carried out,

### ★ 3. United Nations Peace Force

The United Nations Peace Force to be established as the result of the agreement reached during Stage I would come into being within the first year of Stage II and would be progressively strengthened during Stage II.

### 4. United Nations Peace Observation Corps

The Parties to the Treaty would conclude arrangements for the expansion of the activities of the United Nations Peace Observation Corps.

### ★ 5. National Legislation

Those Parties to the Treaty which had not already done so would, in accordance with their constitutional processes, enact national legislation in support of the Treaty imposing legal obligations on individuals and organizations under their jurisdiction and providing appropriate penalties for non-compliance.

## II. TRANSITION

1. Transition from Stage II to Stage III would take place at the end of Stage II, upon a determination that the following circumstances existed:

- All undertakings to be carried out in Stage II had been carried out;
- All preparations required for Stage III had been made; and
- All states possessing armed forces and armaments had become Parties to the Treaty.

2. During the last three months of Stage II, the Control Council would review the situation respecting these circumstances with a view to determining at the end of Stage II whether they existed.

3. If, at the end of Stage II, one or more permanent members of the Control Council should declare that the foregoing circumstances did not exist, the agreed period of Stage II would, upon the request of such permanent member or members, be extended by a period or periods totalling no more than three months for the purpose of bringing about the foregoing circumstances.

1. If, upon the expiration of such period or periods, one or more of the permanent members of the Control Council should declare that the foregoing circumstances still did not exist, the question would be placed before a special session of the Security Council; transition to Stage III would take place upon a determination by the Security Council that the foregoing circumstances did in fact exist.

## Stage III

Stage III would begin upon the transition from Stage II and would be completed within an agreed period of time as promptly as possible.

During Stage III, the Parties to the Treaty would undertake:

- To continue all obligations undertaken during Stages I and II;
- To complete the process of general and complete disarmament in the manner outlined below;
- To ensure that the International Disarmament Organization would have the capacity to verify in the agreed manner the obligations undertaken during Stage III and of continuing verification subsequent to the completion of Stage III; and
- To strengthen further the arrangements for keeping the peace during and following the achievement of general and complete disarmament through the additional measures outlined below.

## A. ARMAMENTS

### 1. Reduction of Armaments

Subject to agreed requirements for non-nuclear armaments of agreed types for national forces required to maintain internal order and protect the personal security of citizens, the Parties to the Treaty would eliminate all armaments remaining at their disposal at the end of Stage II.

### 2. Method of Reduction

a. The foregoing measure would be carried out in an agreed sequence and through arrangements that would be set forth in an annex to the Treaty.

b. In accordance with arrangements that would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures and would provide assurance that retained armaments were of the agreed types and did not exceed agreed levels.

### 3. Limitations on Production of Armaments and on Related Activities

a. Subject to agreed arrangements in support of national forces required to maintain internal order and protect the personal security of citizens and subject to agreed arrangements in support of the United Nations Peace Force, the Parties to the Treaty would halt all applied research, development, production, and testing of armaments and

Organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing limitations were not conducted at undeclared locations.

## *2. Registration of Nuclear Weapons for Verification Purposes*

To facilitate verification during Stage III that no nuclear weapons remained at the disposal of the Parties to the Treaty, those Parties to the Treaty which possessed nuclear weapons would, during the last six months of Stage II, register and serialize their remaining nuclear weapons and would register remaining fissionable materials for use in such weapons. Such registration and serialization would be carried out with the International Disarmament Organization in accordance with procedures which would be set forth in the annex on verification.

## **D. MILITARY BASES AND FACILITIES**

### **★ 1. Reduction of Military Bases and Facilities**

The Parties to the Treaty would dismantle or convert to peaceful uses agreed military bases and facilities, wherever they might be located.

## *2. Method of Reduction*

a. The list of military bases and facilities subject to the foregoing measures and the sequence and arrangements for dismantling or converting them to peaceful uses would be set forth in an annex to the Treaty.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures

## **E. REDUCTION OF THE RISK OF WAR**

In the light of the examination by the International Commission on Reduction of the Risk of War during Stage I the Parties to the Treaty would undertake such additional arrangements as appeared desirable to promote confidence and reduce the risk of war. The Parties to the Treaty would also consider extending and improving the measures undertaken in Stage I for this purpose. The Commission would remain in existence to examine extensions, improvements or additional measures which might be undertaken during and after Stage II.

## **THE INTERNATIONAL DISARMAMENT ORGANIZATION**

The International Disarmament Organization would be strengthened in the manner necessary to ensure its capacity to verify the measures undertaken in Stage II through an extension of the arrangements based upon the principles set forth in Section G, paragraph 3 of Stage I.

## **G. MEASURES TO STRENGTHEN ARRANGEMENTS FOR KEEPING THE PEACE**

### *1. Peaceful Settlement of Disputes*

a. In light of the study of peaceful settlement of disputes conducted during Stage I, the Parties to the Treaty would agree to such additional steps and arrangements as were necessary to assure the just and peaceful settlement of international disputes, whether legal or political in nature.

b. The Parties to the Treaty would undertake to accept without reservation, pursuant to Article 36, paragraph 1 of the Statute of the International Court of Justice, the compulsory jurisdiction of that Court to decide international legal disputes.

### *2. Rules of International Conduct*

a. The Parties to the Treaty would continue their support of the study by the subsidiary body of the International Disarmament Organization initiated in Stage I to study the codification and progressive development of rules of international conduct related to disarmament. The Parties to the Treaty would agree to the establishment of procedures whereby rules recommended by the subsidiary body and approved by the Control Council would be circulated to all Parties to the Treaty and would become effective three months thereafter unless a majority of the Parties to the Treaty signified their disapproval, and whereby the Parties to the Treaty would be bound by rules which had become effective in this way unless, within a period of one year from the effective date, they formally notified the International Disarmament Organization that they did not consider themselves so bound. Using such procedures, the Parties to the Treaty would adopt such rules of international conduct related to disarmament as might be necessary to begin Stage III.

b. In the light of the study of indirect aggression and subversion conducted in Stage I, the Parties to the Treaty would agree to arrangements necessary to assure states against indirect aggression and subversion.



and stockpiles of chemical and biological weapons of mass destruction, the Parties to the Treaty would undertake the following measures respecting such weapons:

(1) The cessation of all production and field testing of chemical and biological weapons of mass destruction.

(2) The reduction, by agreed categories, of stockpiles of chemical and biological weapons of mass destruction to levels fifty percent below those existing at the beginning of Stage II.

(3) The dismantling or conversion to peaceful uses of all facilities engaged in the production or field testing of chemical and biological weapons of mass destruction.

b. The foregoing measures would be carried out in an agreed sequence and through arrangements which would be set forth in an annex to the Treaty.

c. In accordance with arrangements which would be set forth in the annex on verification the International Disarmament Organization would verify the foregoing measures and would provide assurance that retained levels of chemical and biological weapons did not exceed agreed levels and that activities subject to the foregoing limitations were not conducted at undeclared locations.

## **B. ARMED FORCES**

### **1. Reduction of Armed Forces**

a. Those Parties to the Treaty which had been subject to measures providing for reduction of force levels during Stage I would further reduce their force levels on the following basis:

(1) Force levels of the United States of America and the Union of Soviet Socialist Republics would be reduced to levels fifty percent below the levels agreed for the end of Stage I.

(2) Force levels of other Parties to the Treaty which had been subject to measures providing for the reduction of force levels during Stage I would be further reduced, on the basis of an agreed percentage, below the levels agreed for the end of Stage I to levels which would not in any case exceed the agreed level for the United States of America and the Union of Soviet Socialist Republics at the end of Stage II.

b. Those Parties to the Treaty which had not been subject to measures providing for the reduction of armed forces during Stage I would reduce their force levels to agreed levels consistent with those to be reached by other Parties which had reduced their force levels during Stage I as well as Stage II. In no case would such agreed levels exceed the agreed level for the United States of America and the Union of Soviet Socialist Republics at the end of Stage II.

c. Agreed levels of armed forces would include all personnel in the categories set forth in Section B, paragraph 2 of Stage I.

### **2. Method of Reduction**

The further reduction of force levels would be carried out and would be verified by the International Disarmament Organization in a manner corresponding to that provided for in Section B, paragraph 3 of Stage I.

### **3. Additional Measures**

Agreed limitations consistent with retained force levels would be placed on compulsory military training, and on refresher training for reserve forces of the Parties to the Treaty.

## **C. NUCLEAR WEAPONS**

### **1. Reduction of Nuclear Weapons**

In the light of their examination during Stage I of the means of accomplishing the reduction and eventual elimination of nuclear weapons stockpiles, the Parties to the Treaty would undertake to reduce in the following manner remaining nuclear weapons and fissionable materials for use in nuclear weapons:

a. The Parties to the Treaty would submit to the International Disarmament Organization a declaration stating the amounts, types and nature of utilization of all their fissionable materials.

b. The Parties to the Treaty would reduce the amounts and types of fissionable materials declared for use in nuclear weapons to minimum levels on the basis of agreed percentages. The foregoing reduction would be accomplished through the transfer of such materials to purposes other than use in nuclear weapons. The purposes for which such materials would be used would be determined by the state to which the materials belonged, provided that such materials were not used in nuclear weapons.

c. The Parties to the Treaty would destroy the non-nuclear components and assemblies of nuclear weapons from which fissionable materials had been removed to effect the foregoing reduction of fissionable materials for use in nuclear weapons.

d. Production or refabrication of nuclear weapons from any remaining fissionable materials would be subject to agreed limitations.

e. The foregoing measures would be carried out in an agreed sequence and through arrangements which would be set forth in an annex to the Treaty.

f. In accordance with arrangements that would be set forth in the verification annex to the Treaty, the International Disarmament

During Stage II, the Parties to the Treaty would undertake:

1. To continue all obligations undertaken during Stage I;
2. To reduce further the armaments and armed forces reduced during Stage I and to carry out additional measures of disarmament in the manner outlined below;
3. To ensure that the International Disarmament Organization  
★ would have the capacity to verify in the agreed manner the obligations undertaken during Stage II; and
- ★ 4. To strengthen further the arrangements for keeping the peace through the establishment of a United Nations Peace Force and through the additional measures outlined below.

## A. ARMAMENTS

### 1. Reduction of Armaments

a. Those Parties to the Treaty which had during Stage I reduced their armaments in agreed categories by thirty percent would during Stage II further reduce each type of armaments in the categories listed in Section A, subparagraph 1.b of Stage I by fifty percent of the inventory existing at the end of Stage I.

b. Those Parties to the Treaty which had not been subject to measures for the reduction of armaments during Stage I would submit to the International Disarmament Organization an appropriate declaration respecting the inventories by types, within the categories listed in Stage I, of their armaments existing at the beginning of Stage II. Such Parties to the Treaty would during Stage II reduce the inventory of each type of such armaments by sixty-five percent in order that such Parties would accomplish the same total percentage of reduction by the end of Stage II as would be accomplished by those Parties to the Treaty which had reduced their armaments by thirty percent in Stage I.

### 2. Additional Armaments Subject to Reduction

a. The Parties to the Treaty would submit to the International Disarmament Organization a declaration respecting their inventories existing at the beginning of Stage II of the additional types of armaments in the categories listed in subparagraph b below, and would during Stage II reduce the inventory of each type of such armaments by fifty percent.

b. All types of armaments within further agreed categories would be subject to reduction in Stage II (the following list of categories is illustrative):

- (1) Armed combat aircraft having an empty weight of up to 2,500 kilograms (declarations by types).

(2) Specified types of ~~unarmed~~ military aircraft (declarations by types).

(3) Missiles and free rockets having a range of less than 10 kilometers (declarations by types).

(4) Mortars and rocket launchers having a caliber of less than 100 mm. (declarations by types).

(5) Specified types of ~~unarmed~~ personnel carriers and transport vehicles (declarations by types).

(6) Combatant ships with standard displacement of 400 tons or greater which had not been included among the armaments listed in Stage I, and combatant ships with standard displacement of less than 400 tons (declarations by types).

(7) Specified types of ~~non-combatant~~ naval vessels (declarations by types).

★ (8) Specified types of small arms (declarations by types).

c. Specified categories of ammunition for armaments listed in Stage I, Section A, subparagraph 1.b and in subparagraph b above would be reduced to levels consistent with the levels of armaments agreed for the end of Stage II.

### 3. Method of Reduction

The foregoing measures would be carried out and would be verified by the International Disarmament Organization in a manner corresponding to that provided for in Stage I, Section A, paragraph 2.

### 4. Limitation on Production of Armaments and on Related Activities

a. The Parties to the Treaty would halt the production of armaments in the specified categories except for production, within agreed limits, of parts required for maintenance of the agreed retained armaments.

b. The production of ammunition in specified categories would be reduced to agreed levels consistent with the levels of armaments agreed for the end of Stage II.

c. The Parties to the Treaty would halt development and testing of new types of armaments. The flight testing of existing types of missiles would be limited to agreed annual quotas.

d. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing measures were not conducted at undeclared locations.

### 5. Additional Measures

a. In the light of their examination during Stage I of the means of accomplishing the reduction and eventual elimination of production

## 2. Rules of International Conduct

a. The Parties to the Treaty would agree to support a study by a subsidiary body of the International Disarmament Organization of the codification and progressive development of rules of international conduct related to disarmament.

b. The Parties to the Treaty would refrain from indirect aggression and subversion. The subsidiary body provided for in subparagraph a would also study methods of assuring states against indirect aggression or subversion.

## 3. Peaceful Settlement of Disputes

a. The Parties to the Treaty would utilize all appropriate processes for the peaceful settlement of all disputes which might arise between them and any other state, whether or not a Party to the Treaty, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, submission to the Security Council or the General Assembly of the United Nations, or other peaceful means of their choice.

b. The Parties to the Treaty would agree that disputes concerning the interpretation or application of the Treaty which were not settled by negotiation or by the International Disarmament Organization would be subject to referral by any party to the dispute to the International Court of Justice, unless the parties concerned agreed on another mode of settlement.

c. The Parties to the Treaty would agree to support a study under the General Assembly of the United Nations of measures which should be undertaken to make existing arrangements for the peaceful settlement of international disputes, whether legal or political in nature, more effective; and to institute new procedures and arrangements where needed.

## 4. Maintenance of International Peace and Security

The Parties to the Treaty would agree to support measures strengthening the structure, authority, and operation of the United Nations so as to improve its capability to maintain international peace and security.

## ★ 5. United Nations Peace Force

The Parties to the Treaty would undertake to develop arrangements during Stage I for the establishment in Stage II of a United Nations Peace Force. To this end, the Parties to the Treaty would agree on the following measures within the United Nations:

a. Examination of the experience of the United Nations leading to a further strengthening of United Nations forces for keeping the peace;

b. Examination of the feasibility of concluding promptly the agreements envisaged in Article 43 of the United Nations Charter;

c. Conclusion of an agreement for the establishment of a United Nations Peace Force in Stage II, including definitions of its purpose, mission, composition and strength, disposition, command and control, training, logistical support, financing, equipment and armaments.

## ★ 6. United Nations Peace Observation Corps

The Parties to the Treaty would agree to support the establishment within the United Nations of a Peace Observation Corps, staffed with a standing cadre of observers who could be despatched promptly to investigate any situation which might constitute a threat to or a breach of the peace. Elements of the Peace Observation Corps could also be stationed as appropriate in selected areas throughout the world.

## I. TRANSITION

1. Transition from Stage I to Stage II would take place at the end of Stage I upon a determination that the following circumstances existed:

a. All undertakings to be carried out in Stage I had been carried out.

b. All preparations required for Stage II had been made; and

c. All militarily significant states had become Parties to the Treaty.

2. During the last three months of Stage I, the Control Council would review the situation respecting these circumstances with a view to determining whether these circumstances existed at the end of Stage I.

3. If, at the end of Stage I, one or more permanent members of the Control Council should declare that the foregoing circumstances did not exist, the agreed period of Stage I would, upon the request of such permanent member or members, be extended by a period or periods totalling no more than three months for the purpose of bringing about the foregoing circumstances.

4. If, upon the expiration of such period or periods, one or more of the permanent members of the Control Council should declare that the foregoing circumstances still did not exist, the question would be placed before a special session of the Security Council; transition to Stage II would take place upon a determination by the Security Council that the foregoing circumstances did in fact exist.

## Stage II

Stage II would begin upon the transition from Stage I and would be completed within three years from that date.



g. Approving reports to be submitted to bodies of the United Nations;

h. Proposing matters for consideration by the Control Council;

i. Requesting the International Court of Justice to give advisory opinions on legal questions concerning the interpretation or application of the Treaty, subject to a general authorization of this power by the General Assembly of the United Nations;

j. Approving amendments to the Treaty for possible ratification by the Parties to the Treaty;

k. Considering matters of mutual interest pertaining to the Treaty or disarmament in general.

#### 6. Functions of the Control Council

The ~~Control Council~~ would have the following functions, among others ~~which might be agreed~~:

a. Recommending appointment of the Administrator;

b. Adopting rules for implementing the terms of the Treaty;

c. Establishing procedures and standards for the installation and operation of the verification arrangements, and maintaining supervision over such arrangements and the Administrator;

d. Establishing procedures for making available to the Parties to the Treaty data produced by verification arrangements;

e. Considering reports of the Administrator on the progress of disarmament measures and of their verification, and on the installation and operation of the verification arrangements;

f. Recommending to the Conference approval of the budget of the International Disarmament Organization;

g. Requesting the International Court of Justice to give advisory opinions on legal questions concerning the interpretation or application of the Treaty, subject to a general authorization of this power by the General Assembly of the United Nations;

h. Recommending to the Conference approval of certain accessions to the Treaty;

i. Considering matters of mutual interest pertaining to the Treaty or to disarmament in general.

#### 7. Functions of the Administrator

The ~~Administrator~~ would have the following functions, among others ~~which might be agreed~~:

a. Administering the installation and operation of the verification arrangements, and serving as Chief Executive Officer of the International Disarmament Organization;

b. Making available to the Parties to the Treaty data produced by the verification arrangements;

c. Preparing the budget of the International Disarmament Organization;

d. Making reports to the Control Council on the progress of disarmament measures and of their verification, and on the installation and operation of the verification arrangements.

#### 8. Privileges and Immunities

The privileges and immunities which the Parties to the Treaty would grant to the International Disarmament Organization and its staff and to the representatives of the Parties to the International Disarmament Organization, and the legal capacity which the International Disarmament Organization should enjoy in the territory of each of the Parties to the Treaty would be specified in an annex to the Treaty.

#### 9. Relations with the United Nations and Other International Organizations

a. The International Disarmament Organization, being established within the framework of the United Nations, would conduct its activities in accordance with the purposes and principles of the United Nations. It would maintain close working arrangements with the United Nations, and the Administrator of the International Disarmament Organization would consult with the Secretary General of the United Nations on matters of mutual interest.

b. The Control Council of the International Disarmament Organization would transmit to the United Nations annual and other reports on the activities of the International Disarmament Organization.

c. Principal organs of the United Nations could make recommendations to the International Disarmament Organization, which would consider them and report to the United Nations on action taken.

NOTE: The above outline does not cover all the possible details or aspects of relationships between the International Disarmament Organization and the United Nations.

## H. MEASURES TO STRENGTHEN ARRANGEMENTS FOR KEEPING THE PEACE

### 1. Obligations Concerning the Threat or Use of Force

The Parties to the Treaty would undertake obligations to refrain, in their international relations, from the threat or use of force of any type—including nuclear, conventional, chemical or biological means of warfare—contrary to the purposes and principles of the United Nations Charter.

would be implemented through specific arrangements set forth in the annex on verification:

a. Measures providing for reduction of armaments would be verified by the International Disarmament Organization at agreed depots and would include verification of the destruction of armaments and, where appropriate, verification of the conversion of armaments to peaceful uses. Measures providing for reduction of armed forces would be verified by the International Disarmament Organization either at the agreed depots or other agreed locations.

b. Measures relating to limiting production, testing, and other specified activities would be verified by the International Disarmament Organization. Parties to the Treaty would declare the nature and location of all production and testing facilities and other specified activities. The International Disarmament Organization would have access to relevant facilities and activities wherever located in the territory of such Parties.

c. Assurance that agreed levels of armaments and armed forces were not exceeded and that activities limited or prohibited by the Treaty were not being conducted clandestinely would be provided by the International Disarmament Organization through agreed arrangements which would have the effect of providing that the extent of inspection during any step or stage would be related to the amount of disarmament being undertaken and to the degree of risk to the Parties to the Treaty of possible violations. This might be accomplished, for example, by an arrangement embodying such features as the following:

(1) All parts of the territory of those Parties to the Treaty to which this form of verification was applicable would be subject to selection for inspection from the beginning of Stage I as provided below.

(2) Parties to the Treaty would divide their territory into an agreed number of appropriate zones and at the beginning of each step of disarmament would submit to the International Disarmament Organization a declaration stating the total level of armaments, forces, and specified types of activities subject to verification within each zone. The exact location of armaments and forces within a zone would not be revealed prior to its selection for inspection.

(3) An agreed number of these zones would be progressively inspected by the International Disarmament Organization during Stage I according to an agreed time schedule. The zones to be inspected would be selected by procedures which would ensure their selection by Parties to the Treaty other than the Party whose territory was to be inspected or any Party associated with it. Upon selection of each zone, the Party to the Treaty whose territory was to be inspected would declare the exact location of armaments, forces and

other agreed activities within the selected zone. During the verification process, arrangements would be made to provide assurance against unauthorized movements of the objects of verification to or from the zone or zones being inspected. Both aerial and mobile ground inspection would be employed within the zone being inspected. In so far as agreed measures being verified were concerned, access within the zone would be free and unimpeded, and verification would be carried out with the full cooperation of the state being inspected.

(4) Once a zone had been inspected it would remain open for further inspection while verification was being extended to additional zones.

(5) By the end of Stage III, when all disarmament measures had been completed, inspection would have been extended to all parts of the territory of Parties to the Treaty.

#### *Composition of the International Disarmament Organization*

a. The International Disarmament Organization would have:

(1) A General Conference of all the Parties to the Treaty;

(2) A Control Council consisting of representatives of all the major signatory powers as permanent members and certain other Parties to the Treaty on a rotating basis; and

(3) An Administrator who would administer the International Disarmament Organization under the direction of the Control Council and who would have the authority, staff, and finances adequate to ensure effective and impartial implementation of the functions of the International Disarmament Organization.

b. The General Conference and the Control Council would have power to establish such subsidiary bodies, including expert study groups, as either of them might deem necessary.

#### *5. Functions of the General Conference*

The General Conference would have the following functions, among others which might be agreed:

a. Electing non-permanent members to the Control Council;

b. Approving certain accessions to the Treaty;

c. Appointing the Administrator upon recommendation of the Control Council;

d. Approving agreements between the International Disarmament Organization and the United Nations and other international organizations;

e. Approving the budget of the International Disarmament Organization;

f. Requesting and receiving reports from the Control Council and deciding upon matters referred to it by the Control Council;

in accordance with ~~arrangements~~ which would be set forth in the ~~annex on verification~~.

## E. MILITARY EXPENDITURES

### 1. Report on Expenditures

The Parties to the Treaty would submit to the International Disarmament Organization ~~at the end of each step of each stage a report on their military expenditures~~. Such reports would include an ~~itemization of military expenditures~~.

### 2. Verifiable Reduction of Expenditures

The Parties to the Treaty would agree to examine questions related to the verifiable reduction of military expenditures. In the light of this examination, the Parties to the Treaty would consider appropriate arrangements respecting military expenditures.

## F. REDUCTION OF THE RISK OF WAR

In order to promote confidence and reduce the risk of war, the Parties to the Treaty would agree to the following measures:

### 1. Advance Notification of Military Movements and Maneuvers

Specified Parties to the Treaty would give advance notification of major military movements and maneuvers to other Parties to the Treaty and to the International Disarmament Organization. ~~Specific Arrangements~~ relating to this commitment, including the scale of movements and maneuvers to be reported and the information to be transmitted, would be agreed.

### 2. Observation Posts

Specified Parties to the Treaty would permit observation posts to be established at agreed locations, including major ports, railway centers, motor highways, river crossings, and air bases to report on concentrations and movements of military forces. The number of such posts could be progressively expanded in each successive step of Stage I. Specific arrangements relating to such observation posts, including the location and staffing of posts, the method of receiving and reporting information, and the schedule for installation of posts would be agreed.

### 3. Additional Observation Arrangements

The Parties to the Treaty would establish such additional observation arrangements as might be agreed. Such arrangements could be extended in an agreed manner during each step of Stage I.

## 4. Exchange of Military Missions

Specified Parties to the Treaty would undertake the exchange of military missions between states or groups of states in order to improve communications and understanding between them. Specific arrangements respecting such exchanges would be agreed.

## 5. Communications Between Heads of Government

Specified Parties to the Treaty would agree to the establishment of rapid and reliable communications among their heads of government and with the Secretary General of the United Nations. Specific arrangements in this regard would be subject to agreement among the Parties concerned and between such Parties and the Secretary General.

## 6. International Commission on Reduction of the Risk of War

The Parties to the Treaty would establish an International Commission on Reduction of the Risk of War as a subsidiary body of the International Disarmament Organization to examine and make recommendations regarding further measures that might be undertaken during Stage I or subsequent stages of disarmament to reduce the risk of war by accident, miscalculation, failure of communications, or surprise attack. Specific arrangements for such measures as might be agreed to by all or some of the Parties to the Treaty would be subject to agreement among the Parties concerned.

## G. THE INTERNATIONAL DISARMAMENT ORGANIZATION

### 1. Establishment of the International Disarmament Organization

The International Disarmament Organization would be established upon the entry into force of the Treaty and would function within the framework of the United Nations and in accordance with the terms and conditions of the Treaty.

### 2. Cooperation of the Parties to the Treaty

The Parties to the Treaty would agree to cooperate promptly and fully with the International Disarmament Organization and to assist the International Disarmament Organization in the performance of its functions and in the execution of the decisions made by it in accordance with the provisions of the Treaty.

### 3. Verification Functions of the International Disarmament Organization

The International Disarmament Organization would verify disarmament measures in accordance with the following principles which



from past production. The purposes for which such materials would be used would be determined by the state to which the material belonged, provided that such materials were not used in nuclear weapons.

b. To ensure that the transferred materials were not used in nuclear weapons, such materials would be placed under safeguards and inspection by the International Disarmament Organization either in stockpiles or at the facilities in which they would be utilized for purposes other than use in nuclear weapons. Arrangements for such safeguards and inspection would be set forth in the annex on verification.

### 3. *Transfer of Fissionable Materials Between States for Peaceful Uses of Nuclear Energy*

a. Any transfer of fissionable materials between states would be for purposes other than for use in nuclear weapons and would be subject to a system of safeguards to ensure that such materials were not used in nuclear weapons.

b. The system of safeguards to be applied for this purpose would be developed in agreement with the International Atomic Energy Agency and would be set forth in an annex to the Treaty.

### 4. *Non-Transfer of Nuclear Weapons*

The Parties to the Treaty would agree to seek to prevent the creation of further national nuclear forces. To this end the Parties would agree that:

a. Any Party to the Treaty which had manufactured, or which at any time manufactures, a nuclear weapon would:

(1) Not transfer control over any nuclear weapons to a state which had not manufactured a nuclear weapon before an agreed date;

(2) Not assist any such state in manufacturing any nuclear weapons.

b. Any Party to the Treaty which had not manufactured a nuclear weapon before the agreed date would:

(1) Not acquire, or attempt to acquire, control over any nuclear weapons;

(2) Not manufacture, or attempt to manufacture, any nuclear weapons.

### 5. *Nuclear Weapons Test Explosions*

a. If an agreement prohibiting nuclear weapons test explosions and providing for effective international control had come into force prior to the entry into force of the Treaty, such agreement would

become an annex to the Treaty, and all the Parties to the Treaty would be bound by the obligations specified in the agreement.

b. If, however, no such agreement had come into force prior to the entry into force of the Treaty, all nuclear weapons test explosions would be prohibited, and the procedures for effective international control would be set forth in an annex to the Treaty.

### 6. *Additional Measures*

The Parties to the Treaty would agree to examine remaining unresolved questions relating to the means of accomplishing in Stages II and III the reduction and eventual elimination of nuclear weapons stockpiles. In the light of this examination, the Parties to the Treaty would agree to arrangements concerning nuclear weapons stockpiles.

## D. OUTER SPACE

### 1. *Prohibition of Weapons of Mass Destruction in Orbit*

The Parties to the Treaty would agree not to place in orbit weapons capable of producing mass destruction.

### 2. *Peaceful Cooperation in Space*

The Parties to the Treaty would agree to support increased international cooperation in peaceful uses of outer space in the United Nations or through other appropriate arrangements.

### 3. *Notification and Pre-launch Inspection*

With respect to the launching of space vehicles and missiles:

a. Those Parties to the Treaty which conducted launchings of space vehicles or missiles would provide advance notification of such launchings to other Parties to the Treaty and to the International Disarmament Organization together with the track of the space vehicle or missile. Such advance notification would be provided on a timely basis to permit pre-launch inspection of the space vehicle or missile to be launched.

b. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would conduct pre-launch inspection of space vehicles and missiles and would establish and operate any arrangements necessary for detecting unreported launchings.

### 4. *Limitations on Production and on Related Activities*

The production, stockpiling and testing of boosters for space vehicles would be subject to agreed limitations. Such activities would be monitored by the International Disarmament Organization

c. In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures at declared locations and would provide assurance that activities subject to the foregoing measures were not conducted at undeclared locations.

#### 4. Additional Measures

The Parties to the Treaty would agree to examine unresolved questions relating to means of accomplishing in Stages II and III the reduction and eventual elimination of production and stockpiles of chemical and biological weapons of mass destruction. In light of this examination, the Parties to the Treaty would agree to arrangements concerning chemical and biological weapons of mass destruction

## B. ARMED FORCES

### 1. Reduction of Armed Forces

Force levels for the United States of America and the Union of Soviet Socialist Republics would be reduced to 2.1 million each and for other specified Parties to the Treaty to agreed levels not exceeding 2.1 million each. All other Parties to the Treaty would, with agreed exceptions, reduce their force levels to 100,000 or one percent of their population, whichever were higher, provided that in no case would the force levels of such other Parties to the Treaty exceed levels in existence upon the entry into force of the Treaty.

### 2. Armed Forces Subject to Reduction

Agreed force levels would include all full-time, uniformed personnel maintained by national governments in the following categories:

- a. Career personnel of active armed forces and other personnel serving in the active armed forces on fixed engagements or contracts.
- b. Conscripts performing their required period of full-time active duty as fixed by national law.
- c. Personnel of militarily organized security forces and of other forces or organizations equipped and organized to perform a military mission.

### 3. Method of Reduction of Armed Forces

The reduction of force levels would be carried out in the following manner:

- a. Those Parties to the Treaty which were subject to the foregoing reductions would submit to the International Disarmament Organization a declaration stating their force levels at the agreed date.

b. Force level reductions would be accomplished in three steps, each having a duration of one year. During each step force levels would be reduced by one-third of the difference between force levels existing at the agreed date and the levels to be reached at the end of Stage I.

c. In accordance with arrangements that would be set forth in the annex on verification, the International Disarmament Organization would verify the reduction of force levels and provide assurance that retained forces did not exceed agreed levels.

#### 4. Additional Measures

The Parties to the Treaty which were subject to the foregoing reductions would agree upon appropriate arrangements, including procedures for consultation, in order to ensure that civilian employment by military establishments would be in accordance with the objectives of the obligations respecting force levels.

## C. NUCLEAR WEAPONS

### 1. Production of Fissionable Materials for Nuclear Weapons

a. The Parties to the Treaty would halt the production of fissionable materials for use in nuclear weapons.

b. This measure would be carried out in the following manner:

(1) The Parties to the Treaty would submit to the International Disarmament Organization a declaration listing by name, location and production capacity every facility under their jurisdiction capable of producing and processing fissionable materials at the agreed date.

(2) Production of fissionable materials for purposes other than use in nuclear weapons would be limited to agreed levels. The Parties to the Treaty would submit to the International Disarmament Organization periodic declarations stating the amounts and types of fissionable materials which were still being produced at each facility.

(3) In accordance with arrangements which would be set forth in the annex on verification, the International Disarmament Organization would verify the foregoing measures at declared facilities and would provide assurance that activities subject to the foregoing limitations were not conducted at undeclared facilities.

### 2. Transfer of Fissionable Material to Purposes Other Than Use in Nuclear Weapons

a. Upon the cessation of production of fissionable materials for use in nuclear weapons, the United States of America and the Union of Soviet Socialist Republics would each transfer to purposes other than use in nuclear weapons an agreed quantity of weapons-grade U-235

Dog missiles; and each new type of armament, such as Minuteman missiles, which came within the category description, together with, where applicable, their related fixed launching pads. The declared inventory of types within the category by other Parties to the Treaty would be similarly detailed).

(2) Armed combat aircraft having an empty weight of between 15,000 kilograms and 40,000 kilograms and those missiles not included in category (1) having a range between 300 kilometers and 5,000 kilometers, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(3) Armed combat aircraft having an empty weight of between 2,500 and 15,000 kilograms. (The Parties would declare their armaments by types within the category).

(4) Surface-to-surface (including submarine-launched missiles) and air-to-surface aerodynamic and ballistic missiles and free rockets having a range of between 10 kilometers and 300 kilometers, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(5) Anti-missile missile systems, together with related fixed launching pads. (The Parties would declare their armaments by types within the category).

(6) Surface-to-air missiles other than anti-missile missile systems, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(7) Tanks. (The Parties would declare their armaments by types within the category).

(8) Armored cars and armored personnel carriers. (The Parties would declare their armaments by types within the category).

(9) All artillery, and mortars and rocket launchers having a caliber of 100 mm. or greater. (The Parties would declare their armaments by types within the category).

(10) Combatant ships with standard displacement of 400 tons or greater of the following classes: Aircraft carriers, battleships, cruisers, destroyer types and submarines. (The Parties would declare their armaments by types within the category).

## 2. Method of Reduction

a. Those Parties to the Treaty which were subject to the reduction of armaments would submit to the International Disarmament Organization an appropriate declaration respecting inventories of their armaments existing at the agreed date.

b. The reduction would be accomplished in three steps, each consisting of one year. One-third of the reduction to be made during Stage I would be carried out during each step.

c. During the first part of each step, one-third of the armaments to be eliminated during Stage I would be placed in depots under

supervision of the International Disarmament Organization. During the second part of each step, the deposited armaments would be destroyed or, where appropriate, converted to peaceful uses. The number and location of such depots and arrangements respecting their establishment and operation would be set forth in an annex to the Treaty.

d. In accordance with arrangements which would be set forth in a Treaty annex on verification, the International Disarmament Organization would verify the foregoing reduction and would provide assurance that retained armaments did not exceed agreed levels.

## 3. Limitation on Production of Armaments and on Related Activities

a. Production of all armaments listed in subparagraph b of paragraph 1 above would be limited to agreed allowances during Stage I and, by the beginning of Stage II, would be halted except for production within agreed limits of parts for maintenance of the agreed retained armaments.

b. The allowances would permit limited production in each of the categories of armaments listed in subparagraph b of paragraph 1 above. In all instances during the process of eliminating production of armaments:

(1) any armament produced within a category would be compensated for by an additional armament destroyed within that category to the end that the ten percent reduction in numbers in each category in each step, and the resulting thirty percent reduction in Stage I, would be achieved; and furthermore

(2) in the case of armed combat aircraft having an empty weight of 15,000 kilograms or greater and of missiles having a range of 300 kilometers or greater, the destructive capability of any such armaments produced within a category would be compensated for by the destruction of sufficient armaments within that category to the end that the ten percent reduction in destructive capability as well as numbers in each of these categories in each step, and the resulting thirty percent reduction in Stage I, would be achieved.

c. Should a Party to the Treaty elect to reduce its production in any category at a more rapid rate than required by the allowances provided in subparagraph b above, that Party would be entitled to retain existing armaments to the extent of the unused portion of its production allowance. In any such instance, any armament so retained would be compensated for in the manner set forth in subparagraph b (1) and, where applicable, b (2) above to the end that the ten percent reduction in numbers and, where applicable, destructive capability in each category in each step, and the resulting thirty percent reduction in Stage I, would be achieved.

d. The flight testing of missiles would be limited to agreed annual quotas



agreed types of armaments necessary to ensure that the United Nations can effectively deter or suppress any threat or use of arms.

5. To establish and provide for the effective operation of an International Disarmament Organization within the framework of the United Nations for the purpose of ensuring that all obligations under the disarmament program would be honored and observed during and after implementation of general and complete disarmament; and to this end to ensure that the International Disarmament Organization and its inspectors would have unrestricted access without veto to all places as necessary for the purpose of effective verification.

#### B. PRINCIPLES

The guiding principles during the achievement of these objectives are:

1. Disarmament would be implemented until it is completed by stages to be carried out within specified time limits.

2. Disarmament would be balanced so that at no stage of the implementation of the treaty could any state or group of states gain military advantage, and so that security would be ensured equally for all.

3. Compliance with all disarmament obligations would be effectively verified during and after their entry into force. Verification arrangements would be instituted progressively as necessary to ensure throughout the disarmament process that agreed levels of armaments and armed forces were not exceeded.

4. As national armaments are reduced, the United Nations would be progressively strengthened in order to improve its capacity to ensure international security and the peaceful settlement of differences as well as to facilitate the development of international cooperation in common tasks for the benefit of mankind.

5. Transition from one stage of disarmament to the next would take place upon decision that all measures in the preceding stage had been implemented and verified and that any additional arrangements required for measures in the next stage were ready to operate.

### Introduction

The Treaty would contain three stages designed to achieve a permanent state of general and complete disarmament in a peaceful world. The Treaty would enter into force upon the signature and ratification of the United States of America, the Union of Soviet Socialist Republics and such other states as might be agreed. Stage II would begin when all militarily significant states had become Parties to

the Treaty and other transition requirements had been satisfied. Stage III would begin when all states possessing armed forces and armaments had become Parties to the Treaty and other transition requirements had been satisfied. Disarmament, verification, and measures for keeping the peace would proceed progressively and proportionately beginning with the entry into force of the Treaty.

## Stage I

Stage I would begin upon the entry into force of the Treaty and would be completed within three years from that date.

During Stage I the Parties to the Treaty would undertake:

1. To reduce their armaments and armed forces and to carry out other agreed measures in the manner outlined below;

2. To establish the International Disarmament Organization upon the entry into force of the Treaty in order to ensure the verification in the agreed manner of the obligations undertaken; and

3. To strengthen arrangements for keeping the peace through the measures outlined below.

### A. ARMAMENTS

#### 1. Reduction of Armaments

a. Specified Parties to the Treaty, as a first stage toward general and complete disarmament in a peaceful world, would reduce by thirty percent the armaments in each category listed in subparagraph b below. Except as adjustments for production would be permitted in Stage I in accordance with paragraph 3 below, each type of armament in the categories listed in subparagraph b would be reduced by thirty percent of the inventory existing at an agreed date.

b. All types of armaments within agreed categories would be subject to reduction in Stage I (the following list of categories, and of types within categories, is illustrative):

(1) Armed combat aircraft having an empty weight of 40,000 kilograms or greater; missiles having a range of 5,000 kilometers or greater, together with their related fixed launching pads; and submarine-launched missiles and air-to-surface missiles having a range of 300 kilometers or greater.

(Within this category, the United States, for example, would declare as types of armaments: the B-52 aircraft; Atlas missiles together with their related fixed launching pads; Titan missiles together with their related fixed launching pads; Polaris missiles; Hound

Dog missiles; and each new type of armament, such as Minuteman missiles, which came within the category description, together with, where applicable, their related fixed launching pads. The declared inventory of types within the category by other Parties to the Treaty would be similarly detailed).

(2) Armed combat aircraft having an empty weight of between 15,000 kilograms and 40,000 kilograms and those missiles not included in category (1) having a range between 300 kilometers and 5,000 kilometers, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(3) Armed combat aircraft having an empty weight of between 2,500 and 15,000 kilograms. (The Parties would declare their armaments by types within the category).

(4) Surface-to-surface (including submarine-launched missiles) and air-to-surface aerodynamic and ballistic missiles and free rockets having a range of between 10 kilometers and 300 kilometers, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(5) Anti-missile missile systems, together with related fixed launching pads. (The Parties would declare their armaments by types within the category).

(6) Surface-to-air missiles other than anti-missile missile systems, together with any related fixed launching pads. (The Parties would declare their armaments by types within the category).

(7) Tanks. (The Parties would declare their armaments by types within the category).

(8) Armored cars and armored personnel carriers. (The Parties would declare their armaments by types within the category).

(9) All artillery, and mortars and rocket launchers having a caliber of 100 mm. or greater. (The Parties would declare their armaments by types within the category).

(10) Combatant ships with standard displacement of 400 tons or greater of the following classes: Aircraft carriers, battleships, cruisers, destroyer types and submarines. (The Parties would declare their armaments by types within the category).

## 2. Method of Reduction

a. Those Parties to the Treaty which were subject to the reduction of armaments would submit to the International Disarmament Organization an appropriate declaration respecting inventories of their armaments existing at the agreed date.

b. The reduction would be accomplished in three steps, each consisting of one year. One-third of the reduction to be made during Stage I would be carried out during each step.

c. During the first part of each step, one-third of the armaments to be eliminated during Stage I would be placed in depots under

supervision of the International Disarmament Organization. During the second part of each step, the deposited armaments would be destroyed or, where appropriate, converted to peaceful uses. The number and location of such depots and arrangements respecting their establishment and operation would be set forth in an annex to the Treaty.

d. In accordance with arrangements which would be set forth in a Treaty annex on verification, the International Disarmament Organization would verify the foregoing reduction and would provide assurance that retained armaments did not exceed agreed levels.

## 3. Limitation on Production of Armaments and on Related Activities

a. Production of all armaments listed in subparagraph b of paragraph 1 above would be limited to agreed allowances during Stage I and, by the beginning of Stage II, would be halted except for production within agreed limits of parts for maintenance of the agreed retained armaments.

b. The allowances would permit limited production in each of the categories of armaments listed in subparagraph b of paragraph 1 above. In all instances during the process of eliminating production of armaments:

(1) any armament produced within a category would be compensated for by an additional armament destroyed within that category to the end that the ten percent reduction in numbers in each category in each step, and the resulting thirty percent reduction in Stage I, would be achieved; and furthermore

(2) in the case of armed combat aircraft having an empty weight of 15,000 kilograms or greater and of missiles having a range of 300 kilometers or greater, the destructive capability of any such armaments produced within a category would be compensated for by the destruction of sufficient armaments within that category to the end that the ten percent reduction in destructive capability as well as numbers in each of these categories in each step, and the resulting thirty percent reduction in Stage I, would be achieved.

c. Should a Party to the Treaty elect to reduce its production in any category at a more rapid rate than required by the allowances provided in subparagraph b above, that Party would be entitled to retain existing armaments to the extent of the unused portion of its production allowance. In any such instance, any armament so retained would be compensated for in the manner set forth in subparagraph b (1) and, where applicable, b (2) above to the end that the ten percent reduction in numbers and, where applicable, destructive capability in each category in each step, and the resulting thirty percent reduction in Stage I, would be achieved.

d. The flight testing of missiles would be limited to agreed annual quotas

tion of national armaments would be ended in Stage III except for production of agreed types of nonnuclear armaments for internal forces.

Military research, development, and testing would be subject to increasing limitations during the disarmament process. During Stage III, appropriate action would be taken to insure that new scientific discoveries and technological inventions of military significance were not used for military purposes.

B. ARMED FORCES. Force levels of the United States and Soviet Union would be reduced to 2.1 million at the end of Stage I. Half of the remaining forces of these two states would be disbanded during Stage II, and final reductions would be made in Stage III. Other states would also progressively reduce their force levels. By the end of Stage III, states would have at their disposal only those agreed forces and related organizational arrangements required to maintain internal order and protect the personal security of citizens.

C. NUCLEAR WEAPONS. Production of fissionable materials for use in nuclear weapons would be halted in Stage I, and limitations would be imposed on the production of fissionable materials for other purposes. The availability of fissionable materials for use in nuclear weapons would be reduced during Stage I and subsequent stages by safeguarded transfers to nonnuclear weapons purposes.

If nuclear weapons tests had not already been halted under effective international control, arrangements to this end would be undertaken in Stage I. States which had manufactured nuclear weapons would agree in Stage I not to transfer control over nuclear weapons to states which had not manufactured them or to assist such states in their manufacture. States which had not manufactured nuclear weapons would refrain from seeking them. Transfers of fissionable materials between states would be limited to peaceful purposes and would be safeguarded.

Beginning in Stage II, nonnuclear components and assemblies of nuclear weapons would be destroyed and limitations would be imposed on further production or refabrication of nuclear weapons. At the end of Stage II, remaining nuclear weapons would be registered internationally to assist in verifying the fact that by the end of Stage III states would not have such weapons at their disposal.

D. OUTER SPACE. The placing of weapons of mass destruction in orbit would be prohibited in Stage I, and limitations would be imposed on the production, stockpiling, and testing of boosters for space vehicles. States would support increased cooperation in peaceful uses of outer space.

E. MILITARY BASES. Reduction of military bases, wherever they might be located, would be initiated in Stage II, and final reductions would be made in Stage III.

F. MILITARY EXPENDITURES. Military expenditures would be reported throughout the disarmament process.

## Verification

The verification of disarmament would be the responsibility of an International Disarmament Organization, which would be established within the framework of the United Nations. Reductions of armaments and armed forces would be verified at agreed locations; and limitations on production, testing, and other specified activities, at declared locations. Assurance that agreed levels of armaments and armed forces were not exceeded and that activities subject to limitation or prohibition were not being conducted clandestinely would be provided through arrangements which would relate the extent of inspection at any time to the amount of disarmament being undertaken and to the risk to the disarming states of possible violations.

Such assurance might, for example, be accomplished through arrangements under which states would divide themselves into a number of zones through which inspection would be progressively extended. By the end of Stage III, when disarmament had been completed, all parts of the territory of states would have been inspected.

## Reduction of the Risk of War

To promote confidence and reduce the risk of war during the disarmament process, states would, beginning in Stage I, give advance notification of major military movements and maneuvers, establish observation posts to report on concentrations and movements of military forces, and insure rapid and reliable communications among heads of governments and with the Secretary-General of the United Nations.

An International Commission on Reduction of the Risk of War would examine possible extensions and improvements of such measures as well as additional measures to reduce the risk of war through accident, miscalculation, failure of communications, or surprise attack.

## Arrangements for Keeping the Peace

In Stage I, states would undertake obligations to refrain from the threat or use of force of any type contrary to the United Nations Charter. Throughout the three stages of disarmament, states would use all available means for the peaceful settlement of disputes, would seek to improve processes for this purpose, and would support measures to improve the capability of the United Nations to maintain international peace and security.

A United Nations Peace Observation Corps would be established in Stage I, and a United Nations Peace Force, in Stage II. The United Nations Peace Force, which would be equipped with agreed



executive branch, as well as the historical background of emergency powers legislation. Testimony was heard from distinguished political scientists and legal scholars—one<sup>1</sup> of whom was a participant in the preparation of President Truman's December 1950 national emergency proclamation issued at the height of the Korean conflict.

Recently, the Special Committee has been engaged in compiling and analyzing the hundreds of significant emergency statutes now in force. The compilation<sup>2</sup> will, we hope, provide lawmakers and the public with a comprehensive catalog of governmental emergency powers. It will be ready for distribution when Congress resumes its work after Labor Day recess.

The Special Committee on the Termination of the National Emergency is honored this morning to have as witnesses three former Attorneys General of the United States: Justice Tom Clark, Mr. Nicholas deB. Katzenbach, and Mr. Ramsey Clark. Unfortunately, two other former Attorneys General who were invited to be here today, Mr. Herbert Brownell, and Mr. Richard Kleindienst, were unable to attend, but they have advised that they will hopefully testify before the Special Committee later in the year.

All three witnesses before the Special Committee today are eminent public servants. They all have held public office during times of great crisis.

Justice Tom Clark was involved in implementing emergency powers in 1942, both as the Coordinator of Alien Property Control of the Western Defense Command and as Chief of Civilian Staff for Japanese War Relocation. He was Attorney General from 1945 to 1949, a period when various emergency powers exercised by the Executive during World War II were repealed.

In these years, President Truman established emergency boards to settle airline and railroad strikes, and ordered Government seizure of private industries. Appointed Associate Justice of the Supreme Court in 1949, Justice Clark wrote a concurring opinion<sup>3</sup> in the historic *Youngstown Sheet & Tube Co. v. Sawyer* decision which prohibited the Government seizure of the Nation's steel industries.

Mr. Nicholas deB. Katzenbach was first Assistant and later Deputy Attorney General from 1961 through 1964, and subsequently Attorney General. There were few major crises in the 1960's in which Mr. Katzenbach did not participate. He was a key legal and political strategist during the civil rights struggles, and personally led U.S. Marshals in opening the University of Mississippi and the University of Alabama in 1963.

In the area of foreign affairs, Mr. Katzenbach is well known for his contributions as a constitutional theorist and for his efforts to achieve sound foreign policy. He wrote the legal brief defending the United States blockade of Cuba in 1961, and acted as a principal adviser to the negotiators who secured the release from Cuba of those who survived the Bay of Pigs invasion. As Under Secretary of State from 1966 to 1969, he served his country with distinction at a most difficult time.

<sup>1</sup> *Ibid.*, Dean Adrian S. Fisher, pp. 60-75.

<sup>2</sup> *See*, Emergency Powers Statutes, S. Rept. 93-549.

<sup>3</sup> *See* Appendix, pp. 531-534.

During Ramsey Clark's term as Attorney General he dealt with two very different areas of emergency powers:

First, he was one of President Johnson's closest advisers during the very difficult decisions over whether or not to use Federal troops to restore order during the urban riots of 1967 and 1968.

Second, to meet the international monetary crisis of those same years, the emergency powers of the Trading With the Enemy Act were used, and Mr. Ramsey Clark wrote the official justification of their use.<sup>1</sup>

In addition, Mr. Clark has been one of the foremost defenders of civil liberties against the arbitrary exercise of Government authority—an area of critical concern to this Special Committee.

#### CONTINUING STATEMENT OF SENATOR CHURCH, CO-CHAIRMAN

Senator CHURCH. Current revelations of power abused by certain executive branch officials give rise to new concerns about the potential exercise—unchecked by Congress or the American people—of enormous Executive powers. Like a loaded gun lying around the house, the plethora of delegated authority and institutions to meet almost every kind of conceivable crisis stand ready for use for purposes other than their original intention.

Since the failure of the Roman Republic, historians and philosophers have analyzed the problem posed to a democracy by extraordinary Executive powers. Their writings teach us that liberty is a fragile freedom, and vulnerable to those who exercise power purely for its own sake. Machiavelli, in his "Discourses on Livy," acknowledged that great power may have to be given to the Executive if the State is to survive, but warned of the great dangers in doing so. He cautioned:

Nor is it sufficient if this power be conferred upon good men; for men are frail, and easily corrupted, and then in a short time he that is absolute may easily corrupt the people.

Rousseau also discussed the question of delegated emergency powers in his "Social Contract." He wrote:

However this important trust be conferred, it is important that its duration should be fixed at a very brief period, incapable of being ever prolonged. In the crises which lead to its adoption, the State is either soon lost, or soon saved; and the present need passed, the dictatorship becomes either tyrannical or idle.

Despite this ancient advice, frail men continue to succumb to the temptations of great power. These are times when we can ill afford to let that power go unchecked.

We are privileged to have three former Attorneys General with us this morning. I understand that each of you gentlemen have a preliminary statement. Justice Clark, we defer to you as senior member for such opening remarks as you might like to present.

#### STATEMENT OF HON. TOM C. CLARK, ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT, RETIRED, AND FORMER ATTORNEY GENERAL OF THE UNITED STATES

Justice CLARK. Mr. Chairman, both of you, it is good to be with you today. The important work that you are undertaking is one that has been long delayed and I am happy to see that it is now taking fruit.

<sup>1</sup> *See* Appendix, pp. 669-678.

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have occurred except for the hysteria then engulfing, particularly, the west coast. President Roosevelt would not have asked for the power; or, if he had, Congress would have denied it. The public hysteria required it.

But to his credit, I would say—I am not looking for any excuses for my action—we did come to the Congress. We did get an act which authorized the issuance of Executive orders and Executive Order 6099<sup>1</sup> was issued. That became the basis for the whole operation which later, by statute, became the War Relocation Authority—which was headed by Milton Eisenhower.

So I rather think, that under the concepts of Nuremberg, the answer to your question is: That the one who is called upon to enforce the orders of the President would look to the Constitution and be guided by it. Otherwise, he would suffer the penalties of Nuremberg.

Senator CHURCH. In other words, if an Attorney General is directed by the President to perform certain acts that he, the Attorney General, regards as unconstitutional, in your view, under his oath he is obliged to make this clear to the President. If the President persists, then to resign?

Justice CLARK. Right. I was not Attorney General then, I was down in the Department. However, I took my orders from the Attorney General. I never talked to the President about it.

Mr. KATZENBACH. May I add a word on that?

Senator CHURCH. Yes.

Mr. KATZENBACH. I think the question, when put broadly like that, becomes rather difficult to answer because it can encompass a number of situations.

If the President were to say to anyone: "I know I have no constitutional authority to do it, and I know it is in violation of the Constitution; but you go ahead and do it." I then think no one in the Government should obey that order.

However, the situation rarely comes up in that context. It usually comes up in the context of disagreement about what the Constitution does or does not permit. I think, perhaps, the Attorney General has particular responsibilities if his judgment is strongly different with that of the President. But, I would remind you, if I were to put this in another context and ask what the responsibilities of the Attorney General are to enforce clearly unconstitutional laws passed by the Congress—I don't know whether I would get the same answer.

I think that most of the Members of the Congress would say that he has a responsibility to test that law in the courts, irrespective of his own opinion. But you get differences of viewpoint on that.

My general point is, it rarely comes up the way Senator Mathias asked the question because, usually, it is done under the color of constitutionality. I would suppose most members of the executive branch would be unwilling to question the President's assertion that what he was about to do was constitutional.

#### CANNOT ACT IF UNCONSTITUTIONAL

Mr. CLARK. Perhaps the important thing is that the Attorney General ask that question. Instead of the more usual habit or practice,

<sup>1</sup> See Appendix, p. 535.

which is to carry out an order without adequately analyzing it. But my view has clearly been: Where it is your strongly held view that an act the President or the Congress requests through statutes that is unconstitutional, you cannot act. You might have to resign but you cannot act.

Senator CHURCH. In the present state of the law, it would be hard to conceive of any action the President might want to take that couldn't be found in one emergency power or another.

In other words, I could hardly conceive of a situation—where the Attorney General when faced with a request to justify some action the President intended to take—couldn't find it in the present state of the law. That, of course, is the reason why this Special Committee has been formed.

I would hope that some time this morning you gentlemen might help us find our way out of the present thicket. We have a compendium now of 470 significant, separate provisions of law delegating to the President emergency powers. We have selected the 470 out of several thousand provisions of law as the most significant delegation of authority. Taken all together, if the President were to choose to exercise all of these powers, they would seem to me to be plenary. These powers, if exercised, would confer upon the President total authority to do anything he pleased.

Senator MATTHIAS. Let me pursue that just for a second by going back to Mr. Katzenbach's statement that you seldom have pure questions of constitutionality arise.

Now, the 22d of May, the President issued a statement describing a long course of modern history—specifically talking about the events of the summer of 1970. He described the creation of a special task force which was to be given authority for surreptitious entering—and that for 4 or 5 days in July 1970 this force was actually in being. It was authorized by the President, and other high officials of the Government, to make surreptitious entry—in conflict with the clear language of the fourth amendment.

Wouldn't that kind of situation exactly create the clear question we are discussing?

Mr. KATZENBACH. I should certainly think that it would—with anybody having any kind of legal training or background whatsoever—yes. I don't see how the Attorney General would concur in that. Or, indeed, how any law enforcement officer—with knowledge and experience of the laws—would concur in that.

Senator MATTHIAS. Apparently, that is what happened with Mr. Hoover—he did raise such questions. At least we presume he did because it is stated, on his objection, the order of surreptitious entry was rescinded after 4 or 5 days.

Looking to your own experience during the early 1960's in the South, when you led the U.S. marshals. Did you consider the use of military force at that time?

Mr. KATZENBACH. Yes. The use of military force was considered on every occasion where the circumstances would justify it. There was quite a careful following of what—it seemed to me—the laws provided; and there was certainly a good deal of pressure—some of it came from this part of the world—to use the troops much more often.

There was a great feeling we were dragging our feet on many of those instances in doing so.

Senator MATILIAS. Did you not do it for legal reasons, constitutional reasons, or practical and political reasons?

#### UTILIZED COURT ORDERS TO FORCE CONSTITUTIONAL COMPLIANCE

Mr. KATZENBACH. In many instances, it was not done because we did not think we had the legal authority to do it.

There were other considerations. The general philosophy—which was held by President Kennedy and Attorney General Kennedy—was that, in the long run, the States in the South and their instruments of government had to be made to comply with the Constitution themselves. If you simply took law enforcement into Federal hands—through the use of troops to protect various constitutional rights—you weakened the constitutional fabric of the society by so doing. You took the pressure off the southern sheriffs, southern police chiefs, and southern Governors, to comply with the clear provisions of the Constitution.

For that reason, we made use of a good deal of court orders; and we put as much pressure as we could on them to comply with the law. This, I think, cast a high constitutional principle; although not always shared by, certainly, all of the civil rights activists, nor indeed all of the Members of the Congress who were concerned about that.

That came up in a number of instances. The question of how far—in a situation where it was difficult to enact legislation—the President was justified in stretching the law. He could do this by interpreting the law and interpreting particular provisions to give him further authority. There were areas where both President Kennedy and President Johnson declined to do that. I really think for basic constitutional reasons this was something that they were not empowered to do—even for good cause, they shouldn't distort the constitutional and statutory purposes.

Senator CHURCH. Coming back to that thicket that I mentioned a minute ago.

Mr. Katzenbach, you suggest in your statement that there are a number of powers—presently derived from these open-ended emergencies—that the President needs to preserve. You suggest those powers should be regularized by statute, and that they should no longer rest upon the emergency presidential proclamation.

I agree with that. However, you, yourself, recognize the difficulty of disentangling that which may be needed with that which is not. For the Congress to undertake to catalog the statutes and then make a determination—through its various committees that exercise jurisdiction in each particular field—what is needed, what should be preserved, and what should be repealed, represents a tremendously complex task.

Furthermore, it would be a largely futile task unless we have the President's active collaboration and support. Having delegated this authority to the President—in ways that permit him to determine how long it shall continue, simply through the device of keeping emergency declarations alive—we now find ourselves in a position where we cannot reclaim the power without the President's acquiescence. We

are unable to terminate these declarations without the President's signature. So we need a large measure of Presidential cooperation—that is one problem that I pose.

The other is: We need a good deal of Executive direction—in the sense of justifying certain powers and conceding that others ought to be eliminated—if we are ever to get to the bottom of this problem and resolve it in a proper way.

#### PROPOSAL FOR SOLUTION TO DILEMMA

In taking those two considerations into balance, what would you think of this kind of procedure: Suppose the Congress were to approve a joint resolution declaring the various states of emergency, which date back to 1933, terminated within 1 year following the enactment of the resolution.

This would be done for the purpose of securing the President's signature. By doing this and having an understanding that during this 1-year period, the President, his Attorney General, and others, could come forward and propose to Congress the enactment of such statutes as would regularize certain powers the President regards essential under present circumstances. This would give the Congress, in turn, an opportunity to review those recommendations and pass judgment on them.

This is a possible way to find an exit out of the thicket.

Mr. KATZENBACH. I certainly agree with the premise you put on that event. I think you are faced with virtually an impossible job, without the cooperation of the Executive. The simple reason being that most of these statutes are the only appropriate department of Government. I think the Department of Defense really knows whether most, these make any difference or not as to what kind of authority they need.

I suppose I would prefer—although I don't think I would be very hopeful of it—an effort to accept.

First of all, why don't you approach it with the idea of cooperation from the Executive. If you received no cooperation from the Executive in that respect, then I think the procedure you suggest would be quite a viable one.

I suspect in many of these instances Congress could not terminate the emergency, unless it could override a Presidential veto. I think in some instances it can, because it depends on the language of the particular statute.

Senator CHURCH. I believe you are right. In most cases, it will require Presidential signature.

Mr. KATZENBACH. This may be just very wishful thinking, but I would hope that there could be an effort to have cooperation before there is confrontation.

Senator MATILIAS. If I could interrupt at this point, I think the committee ought to acknowledge we are having substantial cooperation from the Justice Department, the Department of Defense, and other areas of the executive branch—which are helping to make it possible to compile the first catalog ever made of these Executive powers.<sup>1</sup>

<sup>1</sup> See Emergency Powers Statutes, S. Rpt. 93-549.

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Is it possible for some party in interest to bring a suit to contest the vitality and continuing operative effect of a declaration of national emergency that was put in force in 1933—to deal with the domestic depression; and has been used as a basis for continuing Presidential power under that act, ever since, to cope with entirely different situations that have no casual relationship to the original reason for making the declaration?

Justice CLARK. One who was aggrieved could bring suit claiming an unconstitutional exertion of Executive power to test out the present application of the 1933 order. We have too many cases now, and I hope we would not encourage additional ones.

Senator CHURCH. Why hasn't that happened? Is it because of the difficulty of a plaintiff establishing his right to contest the use of the power?

Mr. KATZENBACH. I expect in most instances that would be true, Mr. Chairman. With the kinds of regulations that have been used, it would be very difficult for an individual to show that this particular control had damaged him in some unlawful way.

I agree with Justice Clark. I have certainly learned anybody can bring suit about anything, but there is a difference between bringing a suit and winning it. My guess would be that the way in which that power has been invoked would probably tend to stand up, despite the fact that the emergency has changed, both from the language of the statute and from the fact. My recollection is that almost every Executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act was so broad; it would justify almost anything.

But I think there would be enough other circumstances in particular cases to make it a difficult lawsuit.

Justice CLARK. Most difficult from a standpoint of standing to sue. The Court, you might say, has enlarged the standing rule in favor of the litigant. But I don't think it has reached the point, presently, that would permit many such cases to be litigated to the merits.

#### CONGRESS MUST ACT ON EMERGENCY POWERS

Senator CHURCH. What you are saying, then, is that if Congress doesn't act to standardize, restrict, or eliminate the emergency powers, that no one else is very likely to get standing in court to contest?

Mr. KATZENBACH. May I make a philosophical point?

Senator CHURCH. Yes.

Mr. KATZENBACH. I think there is far too much of a tendency, today, to push matters for resolution in the courts. Many should be resolved in the Congress and in the legislature; and with due respect to you, Justice Clark, I don't think courts are always the best place to resolve every social issue we have.

Justice CLARK. I agree.

Mr. KATZENBACH. I think the Congress and the legislature ought to be doing it. I think it is a significant trend in our society that we are pushing so many problems or attempting to push so many problems onto the courts. I think it is something, that if I would hold an elected office, I would be very concerned.

Justice CLARK. In the framework of the question, I was just speaking whether or not there could be a suit. I would hope there wouldn't be.

Mr. CLARK. There have been suits. I think there is a court of appeals opinion as recently as 1971 that sustained the Executive action that was based in part, at least, on President Truman's declaration of an emergency of December 1950. So there, you see one standing two decades.

Senator CHURCH. Mr. Dine points out to me that in *United States v. Briddle*—212 F. Supp. 584 (S.D. Cal. 1962)—a court not only was willing to examine the continued existence of an emergency, but also concluded that the Korean emergency was over with.

In this case, the defendant was charged with violating gold regulations issued pursuant to section 5(b) of the Trading With the Enemy Act. Briddle sought to have his indictment dismissed on grounds that the regulations were issued to counteract an emergency which had ceased to exist. The court, in dismissing the indictment, observed that: "If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threatens our existence." The court rejected the Government's contention that Truman's declaration of national emergency continued the state of emergency under which the 1933 gold regulations were issued. Despite the potential effects of this ruling, the Government did not appeal. The case, however, was expressly overruled 3 years later in *Pike v. United States*—340 F. 2d 487 (9th Cir. 1965).

I want to go back to Mr. Katzenbach's point that the courts ought not to decide. I agree. Congress should decide, and that is why we have undertaken to set up this Special Committee. Senator Mathias and I want to look into the whole problem. We want the Congress to retrieve lost powers and to act independent again.

I don't think that the question of impoundment should be decided by the courts. It has been forced upon the courts, however, by virtue of the respective positions taken by the executive and legislative branches. The Congress hasn't found a way to cope with impoundment yet: the Executive keeps insisting upon it. It is a situation that has been forced into the courts.

Senator MATHIAS. Let me suggest at that point that the Congress' self-starter hasn't always worked; it takes a little encouragement from the general public sometimes to get the Congress to move.

#### ENORMOUS SCOPE OF POWERS . . . A TIME BOMB

In this whole area we have been woefully lacking in self-starter and in the prod from the public. Mr. Clark, in his statement, made a very interesting suggestion—I don't remember his exact words—but Attorneys General, Presidents, Members of Congress, other public officials had a very hazy concept about this body of emergency law that lies here like a time bomb ready for a wrong-minded man, or woman, to get hold of and use.

I am wondering how much each one of the three of you were really aware—as Attorney General, or in the case of Justice Clark as a mem-

The socio/economic situation worsened as 'noted' in the Complaint/Petition, filed in the U.S. Court of Claims, Docket No. 41-76, on February 11, 1976, by 44 federal Judges, Atkins et al., vs. U.S.. Atkins et al. complained that "As a result of inflations, the compensation of federal judges has been substantially diminished each year since 1969, causing direct and continuing monetary harm to plaintiffs....the real value of the dollar decreased by approximately 34.5 percent from March 15, 1969 to October 1, 1975....As a result, plaintiffs have suffered an unconstitutional deprivation of earnings" and in the prayer for relief claimed "damages for the constitutional violations enumerated above, measured as the diminution of earnings for the entire period since March 9, 1969." It is quite apparent that the persons holding and enjoying our Public Offices of Honor, Trust and Profit knew of the emergency emergent problem and sought protection for themselves, to the damage and injury of the People and Children, who were classified as "a club that has many other members" who "have no remedy." And knowing that "heinous" acts had been committed, stated that they (judges/lawyers) would not apply the Law, nor would any substantive remedy be applied ("checked more or less, but never stopped") "until all of us (judges/lawyers are dead." Such persons Fraudulently swore an Oath to uphold, defend and preserve the sovereignty of the Nation and several Republican States of the Union, and breached the Duties to secure and protect the People/Citizens and their Posterity from fraud, imposition, avarice and stealthy encroachment. (See: Atkins et al., vs. U.S., 556 F.2d 1028, pgs. 1072, 1074, The Tempting Of America, supra, pgs. 155 - 159, also see, 5 U.S.C.A. 5305 & 5335, Senate Report No. 93-549, pgs. 69 -71, C.R.S. 24-75-101) This is substantiated in Public Law 94-564, Legislative History, at pg. 5944, which states"

"Moving to a floating exchange rate for international commerce means private enterprise and not central governments bear the risk of currency fluctuations."

1 Annual Message to the Congress. January 4,  
1935

*Mr. President, Mr. Speaker, Members of the Senate and of the House  
of Representatives:*

THE CONSTITUTION wisely provides that the Chief Executive shall report to the Congress on the state of the Union, for through you, the chosen legislative representatives, our citizens everywhere may fairly judge the progress of our governing. I am confident that today, in the light of the events of the past two years, you do not consider it merely a trite phrase when I tell you that I am truly glad to greet you and that I look forward to common counsel, to useful cooperation, and to genuine friendships between us.

We have undertaken a new order of things; yet we progress to it under the framework and in the spirit and intent of the American Constitution. We have proceeded throughout the Nation a measurable distance on the road toward this new order. Materially, I can report to you substantial benefits to our agricultural population, increased industrial activity, and profits to our merchants. Of equal moment, there is evident a restoration of that spirit of confidence and faith which marks the American character. Let him, who, for speculative profit or partisan purpose, without just warrant would seek to disturb or dispel this assurance, take heed before he assumes responsibility for any act which slows our onward steps.

Throughout the world, change is the order of the day. In every Nation economic problems, long in the making, have brought crises of many kinds for which the masters of old practice and theory were unprepared. In most Nations social justice, no longer a distant ideal, has become a definite goal, and ancient Governments are beginning to heed the call.

Thus, the American people do not stand alone in the world in their desire for change. We seek it through tested liberal traditions, through processes which retain all of the deep essentials of



herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### Article. III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—[between a State and Citizens of another State;—]\* between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]\*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

\*Changed by the Eleventh Amendment.

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# Declaration of Rights \*

In Congress, at Philadelphia, October 14, 1774

Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statute, in all cases whatsoever, hath in some acts expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the Crown alone for their salaries, and standing armies kept in times of peace:

And whereas, it has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned.

And whereas, in the last session of Parliament, three statutes were made: one, entitled "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America"; another, entitled "An act for the better regulating the government of the province of the Massachusetts Bay in New England"; and another, entitled "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts Bay, in New England." And another statute was then made, "for making more effectual provision for the government of the province of Quebec, etc." All which statutes are impolitic, unjust and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the Crown for redress, have been repeatedly treated with contempt by His Majesty's ministers of state:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, justly alarmed at these arbitrary proceedings of Parliament and administration, have severally elected, constituted, and appointed deputies to meet and sit in general congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted:

Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, declare,

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following rights:

*Resolved*, N. C. D. 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

*Resolved*, N. C. D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects, within the realm of England.

*Resolved*, N. C. D. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

*Resolved*, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; and as the English colonists are not represented, and from their local and other circumstances, can not properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British Parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

*Guffey Coal Act*  
*Government could set price*

It was in this case that Mr. Justice Brandeis and Mr. Justice Cardozo joined (page 87), pointed out that such "a tortured construction of the Constitution is not to be justified" and that the "Courts are not the only agency of government that must be assumed to have capacity to govern."

On May 18, 1936, came the next major adverse decision, in the opinion declaring unconstitutional the Bituminous Coal Conservation Act of 1935 (generally known as the first Guffey Coal Act, see Item 91, this volume). This statute was enacted to bring order out of chaos in the bituminous coal industry. The Act provided for the fixing of minimum and maximum prices of coal, for a labor board to adjust labor disputes, for collective bargaining by employees through their own chosen representatives, for wages and hours to be mandatory upon the entire industry, if fixed by contracts between certain percentages of employers and employees.

The Government contended that the power to regulate interstate commerce included the power to regulate "price at the mine" in interstate commerce transactions and that therefore such price-fixing clauses of the Act were valid. It further contended that the labor provisions of the Act controlling the conditions under which coal is to be mined before it becomes an article of commerce were valid because they were designed to prevent strikes and other evils of production which directly affect interstate commerce in coal; but that if they were held to be invalid they were, in any event, separable provisions and their invalidity did not affect the validity of the price-fixing provisions.

The Court by a six to three vote held the labor provisions bad not on one but on three counts — bad as an unwarranted delegation of legislative power, bad as a violation of due process, bad as a regulation of intrastate commerce not within the purview of the commerce power. Five of the Justices plainly stated that the mining of coal is purely a local activity and not interstate commerce; that the whole relation between employers and employees with respect to wages, hours, working conditions and collective



Roosevelt relied on Section 5(b) again in 1939 when he restricted all transfers of currency and credit between the United States and German-occupied Denmark and Norway. Executive Order 8380. This action was subsequently approved and the President's exact powers clarified by Congress, resolving whatever questions may have remained about Congressional intentions to restrict the application of 48 Stat. 1 to either the economic emergency or to actual wars. 54 Stat. 179. This set the legal stage, then, to invoke presidential powers under the Trading with the Enemy Act in wartime or pursuant to any declaration of national peacetime emergency.

The next time these powers were involved was during World War II (with a slight Congressional modification—see 55 Stat. 838). A major expansion of Presidential authority was effected with the imposition of consumer credit controls (Executive Order 8843) by interpreting "banking institutions" as used in Sec. 5(b) to include any person engaged in the business of making extensions of credit. Subsequent Congressional action has reaffirmed this power, too, in times of war or national emergency. 12 U.S.C. 249.

Another declaration of national emergency was made in Proclamation 2914 of December 16, 1950, during the Korean war. Trading with the Enemy Act powers were exercised pursuant to this proclamation throughout the war. Because the state of emergency so declared has never been terminated, however, this proclamation has continued to serve as the basis for invocation of powers under the Act. Most notably, President Johnson used Sec. 5(b) as authority for Executive Order 11837 of January 1, 1968, imposing controls over transfers of private capital to foreign countries. (On the validity of this action, see *Opinion of the Attorney General*, February 3, 1968).

On August 15, 1971, President Nixon, in Proclamation 4074, declared an emergency concerning America's declining worldwide economic position. He imposed an import surcharge and devalued the dollar, among other things. One year later, when the Export Control Act lapsed for a month, he invoked Sec. 5(b) to regulate exports, basing his authority to do so both on his Proclamation 4074 and on President Truman's proclamation of 1950.

The current law, which has thus accreted over a period of 50 years, gives the President a wide range of powers, but only in time of war or declared national emergency. Although the Korean war has ended, these powers are being exercised solely on the basis of the 1950 emergency; or, on the basis of the President's unilaterally designating as "emergencies" situations which have only the most tenuous relationship to the serious national crises for which the Trading with the Enemy Act was originally intended. The President, with the approval of Congress, has thus used as authority for extraordinary

[Emphasis supplied.]

actions laws which have no real relationship whatsoever to existing circumstances. As a consequence, a "national emergency" is now a practical necessity in order to carry out what has become the regular and normal method of governmental action. What were intended by Congress as delegations of power to be used only in the most extreme situations and for the most limited durations have become everyday powers; and a state of "emergency" has become a permanent condition.

#### —NOTE—

DEPARTMENT OF JUSTICE,  
May 21, 1973.

#### MEMORANDUM FOR THE SPECIAL COMMITTEE ON THE TERMINATION OF THE NATIONAL EMERGENCY

#### THE EMERGENCY POWER UNDER § 5(b) OF THE TRADING WITH THE ENEMY ACT

During the course of hearings held by the Committee frequent mention has been made of the Trading with the Enemy Act ("the Act"). Section 5(b) of the Act has been the statutory foundation for control of domestic as well as international financial transactions and is not restricted to "trading with the enemy." Its use over the years provides an interesting study in the evolution of a statute as a result of continuing interplay between the Executive and Congress. Of the emergency statutes under study by the Committee, it has the most complex and varied history. This paper does not make any recommendations or draw any conclusions but presents a short legal chronology of § 5(b) to assist the Committee in understanding its background and present status.

#### I.

#### ORIGINAL ENACTMENT—WORLD WAR I

The Act was passed in 1917 to "define, regulate, and punish trade with the enemy." 40 Stat. 415. Section 5(b) gave the President power to regulate transactions in foreign exchange, the export or hoard of gold or silver coin or bullion or currency and transfers of credit in any form "between the United States and any foreign country, whether enemy, ally of enemy, or otherwise." 40 Stat. 415 (1917) as amended by 40 Stat. 966 (1918). Section 5(b), at that time, exempted "transactions to be executed wholly within the United States," thus appearing to limit its use as a basis for domestic controls. It did not include provision permitting use of the Act during periods of national emergency nor was its use restricted by its terms to the duration of the First World War or any specified term after the end of the War. Law passed in 1921 terminating certain war powers specifically exempted the Act from termination because of the large amount of property held under the Act by the Alien Property Custodian at that time. See Ellingwood, *The Legality of the National Bank Moratorium*, 27 Nw. U.L. Rev. 923, 925-26 (1933).

[Emphasis supplied.]

(171)

12 U.S.C. 95a. REGULATION OF TRANSACTIONS IN FOREIGN EXCHANGE OF GOLD AND SILVER; PROPERTY TRANSFERS; VESTED INTERESTS; ENFORCEMENT AND PENALTIES

(1) *During the time of war or during any other period of national emergency declared by the President*, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this section either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this section, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this section.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this section or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all pur-

poses supplied.

poses of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this section, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this section the term "United States" means the United States and any place subject to the jurisdiction thereof: *Provided, however*, That the foregoing shall not be construed as a limitation upon the power of the President, which is conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this section, for any or all of the terms used in this section. Whoever willfully violates any of the provisions of this section or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this section the term "person" means an individual, partnership, association, or corporation. (Oct. 6, 1917, ch. 106, § 5(b), 40 Stat. 415; Sept. 24, 1918, ch. 176, § 5, 40 Stat. 966; Mar. 9, 1933, ch. 1, title I, § 2, 48 Stat. 1; May 7, 1940, ch. 185, § 1, 54 Stat. 179; Dec. 18, 1941, ch. 593 title III, § 301, 55 Stat. 839; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 69 Stat. 1352.)

—NOTE—

TRADING WITH THE ENEMY ACT OF 1917

The Trading with the Enemy Act of 1917 has been amended frequently, and in the process its original purpose and effect have been altered significantly. The Act was originally intended to "define, regulate and punish trading with the enemy." 40 Stat. 415. Directed primarily to meeting the exigencies of World War I, its drafters intended the Act to remain on the books for future war situations. 55 Cong. Rec. 4908. Accordingly, when other war powers were terminated in 1921 an exception was made for the Act and it remained valid law. 41 Stat. 1359 (the Knox Resolution).

On March 5, 1933, President Roosevelt relied on Sec. 5(b) of the Trading with the Enemy Act as authority for his Proclamation 2039 which closed all banks for five days. This was clearly a time of financial crisis, not of war, and hence was not within the literal terms and purposes of the Act. Congress rectified the situation five days later when it ratified the President's proclamation and amended Sec. 5(b) to give the President the broad wartime powers of that section in times of declared national emergency as well. 48 Stat. 1. The desperate economic circumstances of the time dictated the passage of this sweeping change—after only eight hours of Congressional consideration.

(Emphasis supplied.)

(170)

*President*, a regular officer or a reserve warrant officer may be appointed in a temporary grade that is higher than his regular or reserve grade, without vacating that grade.

(b) In addition to appointments authorized under subsection (a) of this section, and sections 8142 and 8144 of this title, in time of war a person who holds no commissioned grade in the Regular Air Force may be appointed in any temporary commissioned grade.

(c) Unless sooner vacated, the appointment of an officer under subsection (b), except a member of the Regular Air Force, is effective during the war in which it is made and for six months thereafter.

(d) Each officer appointed under subsection (b) shall, unless he is a member of the Regular Air Force, be relieved from active duty, at his request, within six months after the termination of the war. (Aug. 10, 1956, ch. 1041, 70A Stat. 522; Sept. 2, 1953, Pub. L. 83-861, § 1 (180) (13), 72 Stat. 1532.)

[See 10 U.S.C. 3445 (Senate Rept. 2181). *Supra.*]

*Recommendation:* The Department of Defense recommends that this statute be retained in its present form for use during time of emergency.

#### 10 U.S.C. 9022. CONTRACT SURGEONS

(a) In an emergency the Secretary of the Air Force may employ as many contract surgeons as may be necessary.

(b) When a contract surgeon is in charge of an Air Force hospital, he has the same authority as a medical officer. (Aug. 10, 1956, ch. 1041, 70A Stat. 538.)

*Recommendation:* The Department of Defense recommends that this statute be retained in its present form for use during time of emergency.

#### 10 U.S.C. 9025. PROTECTION OF SUPPLIES AND MUNITIONS: HOURS AND PAY OF LABORERS AND MECHANICS

See 10 U.S.C. 4025, *supra*.

#### 10 U.S.C. 9776. EMERGENCY CONSTRUCTION: FORTIFICATIONS

If in an emergency the President considers it urgent, a temporary air base or fortification may be built on private land if the owner consents in writing. (Aug. 10, 1956, ch. 1041, 70A Stat. 591; Sept. 1, 1970, Pub. L. 91-393, § 5, 84 Stat. 835.)

*Recommendation:* The Department of Defense recommends that this statute be retained in its present form for use during time of emergency.

[Emphasis supplied.]

#### TITLE 12—BANKS AND BANKING

#### 12 U.S.C. 95. EMERGENCY LIMITATIONS AND RESTRICTIONS ON BUSINESS OF MEMBERS OF FEDERAL RESERVE SYSTEM

In order to provide for the safer and more effective operation of the national banking system and the Federal reserve system, to preserve for the people the full benefits of the currency provided for by the Congress through the national banking system and the Federal reserve system, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt on an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no member bank of the Federal reserve system shall transact any banking business except to such extent and subject to such regulations, limitations, and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer, or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding ten years. Each day that any such violation continues shall be deemed a separate offense. (Mar. 9, 1933, ch. 1, title I, § 4, 48 Stat. 2.)

*Recommendation:* The Treasury Department recommends retention of this statute in its present form.

"This section authorizes the Secretary of the Treasury, with the approval of the President, to prescribe limitations and restrictions on the business of members of the Federal Reserve System during an emergency period as the President may prescribe. It was enacted March 9, 1933, to ratify the action of the President in declaring a 'bank holiday' on March 6, 1933.

"This section should be retained. The Congress may wish to enlarge the scope of the statute to cover all banks and other financial institutions located in the United States, including foreign banks having offices or branches here."

See also the "Trading With the Enemy Act," 50 U.S.C. App. 1. The Federal Reserve Board recommends, however, that this statute be repealed.

[Emphasis supplied.]

(191)

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Exhibit 5



(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after the date of enactment of this Act.

Congressional  
committees,  
study, report to  
Congress.

Approved September 14, 1976.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-238 (Comm. on the Judiciary).

SENATE REPORT No. 94-1168 (Comm. on Government Operations).

#### CONGRESSIONAL RECORD:

Vol. 121 (1975): Sept. 4, considered and passed House.

Vol. 122 (1976): Aug. 27, considered and passed Senate, amended.

Aug. 31, House concurred in Senate amendments.

#### WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 38 (1976): Sept. 14, Presidential statement.

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# TITLE V—REPEAL AND CONTINUATION OF CERTAIN EMERGENCY POWER AND OTHER STATUTES

Loss of  
nationality.

SEC. 501. (a) Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended—

- (1) at the end of paragraph (9), by striking out “; or” and inserting in lieu thereof a period; and
- (2) by striking out paragraph (10).

Leases, acc-  
cess property.

(b) Section 2667(b) of title 10 of the United States Code is amended—

- (1) by inserting “and” at the end of paragraph (3);
- (2) by striking out paragraph (4); and
- (3) by redesignating paragraph (5) as (4).

Repeal.

(c) The joint resolution entitled “Joint resolution to authorize the temporary continuation of regulation of consumer credit”, approved August 8, 1947 (12 U.S.C. 249), is repealed.

Repeal.

(d) Section 5(m) of the Tennessee Valley Authority Act of 1933 as amended (16 U.S.C. 831d(m)) is repealed.

Repeal.

(e) Section 1333 of title 18, United States Code, is repealed.

(f) Section 6 of the Act entitled “An Act to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes”, approved February 28, 1948, is amended by striking out subsections (b), (c), (d), (e), and (f) (42 U.S.C. 211b).

Repeal.

(g) Section 9 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1742) is repealed.

Savings  
provision.  
50 USC 1651  
note.

(h) This section shall not affect—

- (1) any action taken or proceeding pending not finally concluded or determined at the time of repeal;
- (2) any action or proceeding based on any act committed prior to repeal; or
- (3) any rights or duties that matured or penalties that were incurred prior to repeal.

50 USC 1651.

SEC. 502. (a) The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

- (1) Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b));
- (2) Act of April 28, 1942 (40 U.S.C. 278b);
- (3) Act of June 30, 1949 (41 U.S.C. 252);
- (4) Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203);
- (5) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);
- (6) Public Law 85-504 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431-1435);
- (7) Section 2304(a) (1) of title 10, United States Code;
- (8) Sections 3313, 3356(c), and 3313 of title 10, United States Code.

(b) Each committee of the House having jurisdiction with respect to subsection (a) of this section shall submit recommendations and proposals to its respective House of Representatives not later than 60 days after the date of enactment of this Act.

Approved September 14, 1976

## LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-238 (Comm. on the Judiciary)  
SENATE REPORT No. 94-1163 (Comm. on the Judiciary)  
CONGRESSIONAL RECORD:  
Vol. 121 (1975): Sept. 4, consid.  
Vol. 122 (1976): Aug. 27, consid.  
Aug. 31, House  
WEEKLY COMPILATION OF PRESIDENTIAL  
Vol. 12, No. 38 (1976): Sept. 1

(5) Paragraphs (1)–(4) of this subsection, subsection (b) of this section, and section 502(b) of this Act are enacted by Congress—

*Pub. p. 1258.*

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this subsection; and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) Any national emergency declared by the President in accordance with this title, and not otherwise previously terminated, shall terminate on the anniversary of the declaration of that emergency if, within the ninety-day period prior to each anniversary date, the President does not publish in the Federal Register and transmit to the Congress a notice stating that such emergency is to continue in effect after such anniversary.

*Publication in Federal Register, transmittal to Congress.*

### TITLE III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

Sec. 301. When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act. Such specification may be made either in the declaration of a national emergency, or by one or more contemporaneous or subsequent Executive orders published in the Federal Register and transmitted to the Congress.

*50 USC 1631.*

*Executive orders; publication in Federal Register, transmittal to Congress.*

### TITLE IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF THE PRESIDENT

Sec. 401. (a) When the President declares a national emergency, or Congress declares war, the President shall be responsible for maintaining a file and index of all significant orders of the President, including Executive orders and proclamations, and each Executive agency shall maintain a file and index of all rules and regulations, issued during such emergency or war issued pursuant to such declarations.

*Presidential orders, rules and regulations, file maintenance. 50 USC 1641.*

(b) All such significant orders of the President, including Executive orders, and such rules and regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

*Presidential orders, transmittal to Congress.*

(c) When the President declares a national emergency or Congress declares war, the President shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures.

*Expenditures, reports to Congress.*



**Termination date.** Any national emergency declared by the President shall be terminated on the date specified in any concurrent resolution referred to in clause (1) or on the date specified in a proclamation by the President terminating the emergency as provided in clause (2) of this subsection, whichever date is earlier, and any powers or authorities exercised by reason of said emergency shall cease to be exercised after such specified date, except that such termination shall not affect—

(A) any action taken or proceeding pending not finally concluded or determined on such date;

(B) any action or proceeding based on any act committed prior to such date; or

(C) any rights or duties that matured or penalties that were incurred prior to such date.

(b) Not later than six months after a national emergency is declared, and not later than the end of each six-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated.

**Concurrent resolution, referral to congressional committees.**

(c) (1) A concurrent resolution to terminate a national emergency declared by the President shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be. One such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee, unless such House shall otherwise determine by the yeas and nays.

(2) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

(3) Such a concurrent resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within fifteen calendar days after the day on which such resolution is referred to such committee and shall thereupon become the pending business of such House and shall be voted upon within three calendar days after the day on which such resolution is reported, unless such House shall otherwise determine by yeas and nays.

**Conference committee, filing of report.**

(4) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conferees shall make and file a report with respect to such concurrent resolution within six calendar days after the day on which managers on the part of the Senate and the House have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

(5) Paragraphs (1)–(3), section, and section 302 (b)

(A) as an exercise the House of Representatives deemed a part of the cable only with respect to the House in the case of they supersede other consistent therewith; and

(B) with full record House to change the that House) at any extent as in the case of

(d) Any national emergency with this title, and terminate on the anniversary within the ninety-day period does not publish in Congress a notice stating after such anniversary.

### TITLE III—EXERCISE

SEC. 301. When the President exercises powers or authorities under an emergency shall be exercised the provisions of law under will act. Such specification national emergency, or by Executive orders published in the Congress.

### TITLE IV—ACCOUNTING REQUIREMENTS

SEC. 401. (a) When the Congress declares war, the President shall file and index of all Executive orders and proceedings. (b) All such significant Executive orders, and such rules, shall be Congress promptly upon appropriate.

(c) When the President declares war, the President shall, after the end of each year, report on the total expenditures during such six-month period the exercise of powers under this title, not later than ninety days after the end of such year or war, the President shall submit such report.

Public Law 94-412  
94th Congress

## An Act

To terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.

Sept. 14, 1976

[H.R. 3884]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergencies Act".

National  
Emergencies Act  
50 USC 1601  
note.

TITLE I—TERMINATING EXISTING DECLARED  
EMERGENCIES

Sec. 101. (a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, United States Code, as a result of the existence of any declaration of national emergency in effect on the date of enactment of this Act are terminated two years from the date of such enactment. Such termination shall not affect—

50 USC 1601.

(1) any action taken or proceeding pending not finally concluded or determined on such date;

(2) any action or proceeding based on any act committed prior to such date; or

(3) any rights or duties that matured or penalties that were incurred prior to such date.

(b) For the purpose of this section, the words "any national emergency in effect" means a general declaration of emergency made by the President.

"Any national  
emergency in  
effect"

TITLE II—DECLARATIONS OF FUTURE NATIONAL  
EMERGENCIES

Sec. 201. (a) With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such national emergency. Such proclamation shall immediately be transmitted to the Congress and published in the Federal Register.

50 USC 1621.

(b) Any provisions of law conferring powers and authorities to be exercised during a national emergency shall be effective and remain in effect (1) only when the President (in accordance with subsection (a) of this section), specifically declares a national emergency, and (2) only in accordance with this Act. No law enacted after the date of enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

Presidential  
proclamation,  
transmitted to  
Congress;  
publication in  
Federal Register.

Sec. 202. (a) Any national emergency declared by the President in accordance with this title shall terminate if—

Termination.  
50 USC 1622.

(1) Congress terminates the emergency by concurrent resolution; or

(2) the President issues a proclamation terminating the emergency.

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more after the passage of these statutes, they were still in operation at the time; thus the decisions did work a sizable if belated check on the government's crisis activity. Just how effective a limitation on crisis action this makes of the Court is hard to say. In light of the recent war, the Court today would seem to be a fairly harmless observer of the emergency activities of the President and Congress. It is highly unlikely that the separation of powers and the Tenth Amendment will be called upon again to hamstring the efforts of the government to deal resolutely with a serious national emergency.<sup>60</sup>

[Emphasis supplied.]

#### EMERGENCY ADMINISTRATION

Having established a number of new programs, either through statutory authorizations or by grants of discretionary power, the President was faced with the task of purposefully administering and coordinating these mandates. "Organizationally, in dealing with the depression, it was Roosevelt's general policy to assign new, emergency functions to newly created agencies, rather than to already existing departments."<sup>61</sup> The President had a variety of reasons for pursuing this course: he thought the departments were burdened with duties which preoccupied them in meeting the current crisis; he believed a new agency with a single task in attacking an exigency would be dedicated and persistent in its mission; he felt that such new agencies with emergency duties as might be created to deal with the depression could, when the crisis passed, be easily eradicated without disturbing the regular Executive branch departments; he thought talented and expert personnel might be attracted to the specialized new emergency units; and there was also a desire on the part of the President to avoid the established Civil Service channels in staffing for the emergency period and to utilize political appointees.<sup>62</sup>

As a first step toward establishing a coordinating instrument, Roosevelt, acting under the authority of the Federal Emergency Relief Act (48 Stat. 22) and the National Industrial Recovery Act (48 Stat. 195), issued E.O. 6202A on July 11, 1933, establishing a temporary Executive Council.<sup>63</sup> As an explanation for the creation of this panel the following statement was offered in a chronology of the unit's activities:

The wide diffusion of emergency activities undertaken by the Federal Government immediately following the first inauguration of Franklin D. Roosevelt as President, coupled with the imperative requirement for quick action, necessitated the forming of a compact group of administrative officials of both permanent and temporary units who could advise the Chief Executive with respect to various courses

<sup>60</sup> Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in the Modern Democracies*. Princeton: Princeton University Press, 1948, p. 204.

<sup>61</sup> Wann, *op. cit.*, p. 26; also see Robert E. Sherwood, *Roosevelt and Hopkins*. New York: Harper and Brothers, 1948, pp. 31-32.

<sup>62</sup> Wann, *op. cit.*, pp. 26-27.

<sup>63</sup> Roosevelt papers (Vol. II, pp. 279-280).

of procedure, and, at the same time, be in a position to follow them through with a minimum of delay or confusion.<sup>64</sup>

Composed of twenty-four members and meeting every Tuesday afternoon with Roosevelt presiding, the Council soon "proved too cumbersome for effective discussion."<sup>65</sup>

Actually, the Executive Council functioned more or less as an enlarged Cabinet, with Roosevelt conducting the Council meetings in much the same way as he did those of the regular Cabinet. Although he may have originally intended that the Executive Council would serve as a broad coordinating agency, it did not function effectively in that way. The Council was not provided with a staff, nor did it have any formal power to coordinate the work of the departments and agencies other than that exercised by Roosevelt himself. The only coordinating function served by the Council was that of enabling the heads of the regular departments to meet once a week with the heads of the new emergency agencies and the President to exchange ideas and information on problems that were interdepartmental in scope.

In itself, this was undoubtedly of considerable value in the early days of the New Deal, but neither the Council nor the Executive Secretary served in an important way to make decisions of a coordinative nature for the President. Such decisions were made by Roosevelt himself, with the Executive Council serving only as a source of information and advice. [Frank C.] Walker's most valuable role continued to be that of an informal "trouble shooter" who served the President behind-the-scenes in trying to iron out difficulties and smooth ruffled feelings, rather than in his formal role as Executive Secretary of the Executive Council. Except insofar as it may have been valuable as a device for exchanging information and for enabling the heads of the departments and agencies to get to know each other better, the Council did not serve as an effective mechanism for coordination.<sup>66</sup>

Recognizing the deficiencies of the Executive Council, the President established another coordinating organization with a more limited membership. Relying upon the same statutory authority utilized for creating the Executive Council, together with the provisions of the Agricultural Adjustment Act (48 Stat. 31), Roosevelt issued E.O. 6433A on November 17, 1933 setting up the National Emergency Council.<sup>67</sup>

In establishing the National Emergency Council Roosevelt had some significant political motives as well. The creation

<sup>64</sup> The U.S. National Emergency Council. *The National Emergency Council: A Chronological Review of Its Activities from November 17, 1933 Through December 31, 1937*. Washington: The U.S. National Emergency Council, 1938, p. 141.

<sup>65</sup> Lester G. Seligman and Elmer E. Cornwell, Jr., eds. *New Deal Mosaic: Search Confer with his National Emergency Council, 1933-1936*. Eugene: University of Oregon Press, 1965, p. xv.

<sup>66</sup> Wann, *op. cit.*, p. 51.

<sup>67</sup> Roosevelt papers (Vol. II), pp. 487-489.

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Secretary BUTZ. We are pulling some 25 to 43 million acres back into production this year that were not utilized last year. We are not quite at capacity this year, but the acres not being used this year are marginal acres.

Next year I would anticipate we will be in full production.

Senator HATHAWAY. With regard to Senator Johnston's questions, you commented that you didn't care much for administered prices, as I understand it?

Secretary BUTZ. That is a personal opinion of mine.

Senator HATHAWAY. Given the noncompetitive society we have, administered prices is the only solution with giant industries—

Secretary BUTZ. We are becoming closer and closer and closer to it on many fronts, there are institutional prices. We have it in the labor front, of course, with institutional prices. We have it in the cost of money which is virtually institutional pricing.

I guess we are moving toward it in agriculture. I am being dragged in myself by my heels.

Senator HATHAWAY. We don't have much choice in agriculture, do we?

Secretary BUTZ. I am still fighting a rearguard action.

Senator HATHAWAY. Thank you.

Senator PROXMIRE. As I understand it, you will use this legislation only if an emergency develops and if the weather holds fairly well and your projections prove true, you won't need this legislation; is that correct?

Secretary DENT. We hope we don't have to use the proposed legislation. But, the legislation specifies that it might be used for inflationary control purposes, which infer this relationship of balances between livestock, feed grains, and the price of livestock.

Senator PROXMIRE. But I think your projections are reasonably pessimistic. You assume—there is going to be this enormous increase in demand—you assume in corn and soybeans, which are the two critical products, where you might use this. You have a very, very large projected export increase, particularly in the area of corn, and especially if you compare corn exports with 1973-74, that, is this coming crop year, with 1971-72 almost—well, it looks like an 80-percent increase in exports.

So it would appear that there is at least some reasonable chance that the President may not have to use this emergency legislation. Is that correct?

Secretary BUTZ. I think that is a fair statement.

Senator PROXMIRE. Now, you are asking us for very, very far-reaching changes when you look at the language. I wasn't really aware of this until I began to study your statement, which is a very helpful statement, and the law itself.

One element of this is that it goes further than the Price Stabilization Act language. That expires on April 30. You don't amend the Price Stabilization Act. You chose to amend instead the Export Control Act, which is more or less a semipermanent law which expires, as I understand it, on June 30, but we automatically reenact that every year.

Now, there are two reasons why it seems to me we should either make the determination April 30 on this provision, or amend the

necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious inflationary impact of abnormal foreign demand. It is hereby ordered:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1969, as amended, the provisions for administration of that act contained in Executive Order 11533 of June 4, 1970 shall continue in full force and effect and shall authorize the exercise and administration of export controls, under the authority vested in me as President of the United States by section 5 (b) of the act of October 6, 1917, as amended (2 U.S.C. 95a).

Sec. 2. Except to the extent another basis is provided in the second sentence of Section 3 of this order, all rules and regulations issued by the Secretary of Commerce, published in Title 15, Chapter 3, Subchapter B, of the Code of Federal Regulations, Parts 368 to 390 inclusive, and all orders, licenses and other forms of administrative action issued or taken pursuant thereto, shall until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this order, except that the maximum fine which may be imposed under § 387.1 (a) (1) shall not exceed \$10,000 and that the civil penalty provided for under § 387.1 (b) (3) will not be applicable to any violation of the regulations under this order.

Sec. 3. The delegations of authority in this order shall not affect the authority of any agency or official pursuant to any other delegation of Presidential authority, presently in effect or hereafter made, under Section 5 (b) of the act of October 6, 1917, as amended. Those regulations issued under the Export Control Act of 1949, as amended, to implement foreign policy set forth in Executive Orders Nos. 11322 of January 5, 1967 and 11419 of July 29, 1968, shall until amended or revoked by the Secretary of Commerce continue to apply as regulations issued under such orders.

RICHARD NIXON

THE WHITE HOUSE.

August 1, 1972.

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Intelligence System. The Director shall also call upon State and local agencies to provide him with such information.

(c) The Director shall be authorized to provide narcotics intelligence to any Federal, State, or local official that the Director determines has a legitimate official need to have access to such intelligence. These functions shall be performed under the general supervision and direction of the Attorney General, and the Attorney General shall delegate to the Director such authority as may be necessary to carry out the purposes of this order.

Sec. 2. The Director shall cooperate with the Director of the Office of Drug Abuse Law Enforcement in order to assist him in ensuring that all steps permitted by law are being taken by Federal, State, and local governments and, to the extent feasible, by private persons and organizations, to prevent drug abuse in the United States.

Sec. 3. Section 1 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by deleting " 13 Chairman, Price Commission," and by inserting in lieu thereof " 13 Director, Office of National Narcotics Intelligence."

Sec. 4. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Director of the Office of National Narcotics Intelligence in the performance of functions assigned to him by or pursuant to this order, and the Director may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

RICHARD NIXON

THE WHITE HOUSE,

July 27, 1972.

Executive Order 11677

August 1, 1972

#### Continuing the Regulation of Exports

By virtue of the authority vested in the President by the Constitution and statutes of the United States, including Section 5 (b) of the Act of October 16, 1917, as amended (22 U.S.C. 1904), and in view of the continued existence of the national emergencies declared by Proclamation No. 2914 of December 16, 1950, and Proclamation No. 4074 of August 15, 1971, and the importance of continuing to regulate the

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Resolution 1, which I submitted on Wednesday.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### OUR LIBERTY MUST BE GUARDED

To Americans their freedom seems indestructible—because they have not known a national life without it. They rely upon the Constitution and the Bill of Rights to protect them. Because the Declaration of Independence speaks of their unalienable rights they are prone to think their liberty cannot be taken away.

Today there is a very real and present threat to the freedom guaranteed to us by our Constitution and its Bill of Rights. It is in the proposed United Nations Covenant on Human Rights which is favored by the State Department under the Truman administration and which in its final form, will come before the United States Senate for ratification as a treaty.

The danger to the freedom of the American people is the danger which confronts our Constitution in general, stemming from a loophole in the Constitution by which the United Nations Charter, having been ratified by the Senate as a treaty, may be held to supersede the Constitution.

In order to limit the scope of treaties in the future and to forestall a loss of American liberty through United Nations covenants and other treaties, Senator JOHN W. BRICKER, of Ohio, several months ago, proposed an amendment to the Constitution of the United States. The Bricker amendment will be one of the most important pieces of business before the new Congress convening in January.

If submitted by Congress and ratified by three-fourths of the States, the Bricker amendment may take its place as one of the great charters of American freedom.

Unless it is adopted, the clock of American freedom may be turned back 176 years and liberty, as we have known it, be lost to us forever.

Senator BRICKER does not propose that the United States withdraw from the United Nations. He believes it would be a mistake to do so. But he believes that this country must bulwark itself against the loss of liberty through treaties and, further, through executive agreements by which the past two administrations have been circumventing the treaty ratification powers vested in the Senate by the Constitution.

His proposed amendment would provide that "no treaty or executive agreement shall be made respecting the rights of citizens of the United States protected by this Constitution, or abridging or prohibiting the free exercise thereof."

At the time the Constitution of the United States was written, treaties dealt only with relations between nations. They did not attempt to regulate domestic affairs and to define the rights of individuals in various nations. Rights of individuals were fixed by the various governments. The Constitution of the United States was the first written constitution guaranteeing the rights of the people of a nation and it was a great step forward in the history of man.

Therefore, Senator BRICKER points out, there was no reason at the time the Constitution was written to limit the treaty-making powers so as not to affect the freedom of American citizens. It was not conceived that the treaty-making powers would ever touch those freedoms.

But nowadays there is a "new fashion in international law" Senator BRICKER says, which is to the effect that "the relationship among citizens of the same government and between the individual and his government are appropriate subjects for negotiation, definition, and enforcement by multilateral treaties." Under such a theory of the func-

tion of international law, no economic or political rights are beyond the reach of the treaty-making power as it now resides in our Government under the Constitution.

"Our State Department," Senator BRICKER has said, "is promoting this revolutionary legal theory by statements that the distinction between foreign and domestic affairs is virtually nonexistent."

At the time the Constitution was submitted to the States for ratification in 1787-88, there was a widespread feeling that it did not give sufficient guarantees of liberty to individual citizens and it was necessary for the sponsors to promise early submission of a Bill of Rights to the people in order to get the Constitution ratified. Such a Bill of Rights was promptly submitted and joined to the Constitution.

The Bill of Rights in our Constitution protects the people against any abridgment of freedom of speech, freedom of the press and freedom of religion. It guarantees them trial by jury, protects their property from seizure without due process of law and shields them from cruel and inhuman punishments.

Let us look at a few examples of how the Bill of Rights and the proposed U. N. Covenant on Human Rights would be in conflict.

The Bill of Rights says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

But if the U. N. Covenant were to become our "supreme law" by treaty, here is what freedom of religion would mean to the more than 250 faiths in America today:

"Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, morals, or the fundamental rights of others."

Under such a broad clause, religion could be suppressed on the grounds that public safety was threatened—and thus a Communist or Fascist war on religion could be rationalized.

Our Bill of Rights says: "Congress shall make no law . . . abridging the freedom of speech, or of the press."

But the U. N. Covenant reads: "The right to seek, receive, and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities, and restrictions, but these shall be such only as are provided by law and necessary for the protection of national security, public order, safety, health or morals or of the rights, freedoms, and reputation of others."

Hitler could have heeded such a clause, and Peron would cheer it. Senator BRICKER points out that this provision would "stamp the approval of a United Nations treaty on the trial and imprisonment of William Oatis," the Associated Press correspondent now imprisoned in Czechoslovakia in one of the most disgraceful episodes in our international relationship through the years.

Fifty-eight Senators joined Senator BRICKER in sponsoring his proposed amendment to the Constitution which would prevent the abridgement of American freedoms through treaties under "the new fashion in international law."

There is not much chance of the U. N. Covenant of Human Rights being ratified by the Senate in the new Congress. The Eisenhower administration certainly will not stand for ratification. John Foster Dulles, who will be Secretary of State in the new administration, is on record against ratification of the covenant.

But the Constitution should be amended now to forestall a loss of freedom to our children and to oncoming generations through the power of treaties and executive agreements designed to circumvent the Constitution.

We should be at least as concerned about the freedom of our posterity as were our forefathers who insisted on a Bill of Rights.

We should not hesitate to amend the Constitution now to guarantee that freedom any more than did our forebears when they amended it with the first 10 amendments, the Bill of Rights.

Statement of Policy by Joseph H. Freehill,  
Director of Price Stabilization

#### EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, January 9, 1953

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the Appendix of the Record a statement issued by Joseph H. Freehill, newly appointed Director of Price Stabilization, with reference to the policy which that office will follow.

There being no objection, the statement was ordered to be printed in the Record, as follows:

We constantly hear and read claims that inflation is no longer a fact or a danger in this country, and that the price stabilization program has served its usefulness.

These statements, in my honest opinion, just aren't true, and I, for one, am certainly not planning to direct the operations of the Office of Price Stabilization as though they were.

First, I want to make it clear that we are still very much in business. About 72 percent of all items on the BLS wholesale price index as of November 26, were under price controls.

Moreover, practically every major statistic shows that prices are high, that pressures to force them even higher still exist strongly and that all the underlying factors that could make for a new and very serious round of both consumer and industrial price spirals are present.

Thus, the Consumer Price Index, which measures what each household must pay for the normal items of everyday living, stood at 190.9 on October 13, up 0.1 percent from September 13, and indications are that it hit a new peak again by November 15. Some 50 percent of all items on the wholesale price index are within 2 percent of their 2-year peaks. With prices at these levels, with accumulated savings and expenditures at record high, with the tense international situation, we cannot afford to be complacent about inflation or to weaken our price control efforts.

Certainly, were we to do so, prices would increase substantially in many major areas.

I am particularly concerned by the great number of applications for price ceiling increases and decontrol which hit the OPS every week.

Through October OPS had received more than 13,000 applications for individual price adjustments, some 3,000 of which are still outstanding.

In addition, since September, we have had applications by 35 entire industries for surveys to determine if every company within the industry should receive ceiling increases under the industry earnings standards. Industry advisory committees representing some 35 other industries have met with OPS since September 1, and almost without exception have requested pass-throughs on

with my fingers crossed. Looking into the crystal ball reminds me of those distorted mirrors in a fun palace at the beach. In one you look skinny; in another you look fat; but it's the same you all the time that appears to assume several different shapes. You cannot help but laugh at these lopsided reflections of your true self.

When we turn from recreation to the more serious matters of life, we know that something of the same process is still at work. Sometimes we see only what we want to see in a given situation, ignoring other details. Trying to peer into the future is more difficult as we try to see with the mind's eye. But this we must do to prepare ourselves for the unknown, even though this combination of foreknowledge and guesswork turns out right only 80 percent of the time. That's a good batting average in any league.

In looking back to the beginning of 1952, I checked the predictions of one service that tried to gage the issues. Under the heading of personalities, or the names of those who would be most prominent in the political news, it mentioned Acheson, Boyle, Truman, McCarthy, MacArthur, and Gabrielson.

Some are still controversial right up to the closing days of this year. A couple fell by the wayside and we have a hard time trying to remember who they were. Others, unmentioned in January of 1952, are now in the news almost every day.

So as we look into the crystal ball for 1953 we know that some names and some issues that cannot be seen there will come into the picture as the year's story develops.

Confining myself to the probable factors, here's how the first session of the new Congress shapes up.

The nominal Republicans are in control by a small margin. Allied with conservative southern Democrats, they will have a much larger majority to work with. There is always a honeymoon period when a new President enters the White House. Congress is disposed to listen to him for a while. In Eisenhower's case, this harmony may continue much longer, because he will not insist on extreme measures.

From his Cabinet selections, we anticipate a businessman's approach to the problems of government. His appointment of an active union leader to the post of Secretary of Labor, on the other hand, shows that he will try to pour oil on the troubled waters of management-labor relations. He leans toward a stronger Mediation Service. He believes that there should be more real collective bargaining between the parties and less interference by the White House. How this works out will depend somewhat on the economic climate during his administration.

Some Congressmen, especially Democrats from industrial districts, believe that the Taft-Hartley Act should be repealed. Revision is all that can be hoped for under the new line-up.

On farm aid, the chances are that Congress will have more influence than the White House. Price supports will be maintained at 90 percent of parity as a floor. Rural electrification will continue. The farmers themselves will have more to say on the soil-conservation program. Both parties have a healthy respect for agriculture.

There will be talk from time to time on the issue of civil rights, but I fear that there will not be much progress.

Social security will go on as is. There may be some extension in coverage but no sizable increase in benefits will be approved by the conservative coalition.

An effort will be made to cut taxes, but this won't be easy. As long as Korea and the cold war continue, we cannot afford to penny-pinch our defenses. There will be some overhaul in the tax structure in an attempt to bring some order out of this chaos. Right now, it's like a cross-word puzzle that nobody can solve.

With others, I have been personally interested in securing statehood for Alaska and Hawaii. Conservatives, especially in the Senate, have heretofore blocked the recognition which these Territories deserve. The prospect, with a larger number of conservatives now on hand, is somewhat less than promising.

In the absence of any change in the international field, the draft will go on. As a law it will be effective until June 30, 1955. In my opinion it should be revised because it presently favors certain groups and discriminates against others. There is not enough opposition in sight to force a change in the selective-service law.

Universal military training will be side-stepped. This is not a popular idea.

Only the most necessary public works will be approved. A backlog will be kept in mind, ready for construction at the first sign of any drop in employment.

Controls over prices and materials are on their last legs. Controls over wages don't mean much even now.

Aid to education is a thorny issue. No one doubts the need for it, but where it should begin and where it should stop is a problem that can become very emotional. Congress will go slow on this, perhaps providing Federal construction subsidies only for certain areas in backward States.

Public housing programs will not command much attention. Present plans will continue with some minor revisions, but the need is not as urgent as it was in the post-war years. Slum clearance is always a problem but separate from the over-all housing shortage that has eased considerably.

There will be a slowdown in tariff cutting. We know that foreign trade can never be a one-way street. If we are ever to cut down on the money we give to other free nations in order to keep them going, then we must give them an opportunity to sell some of their products here. But not at the cost of throwing Americans out of work. After all, we cannot be expected to give away our money and our jobs at the same time. Federal policies have hurt some New England industries, without providing any compensatory help. This trend will be stopped.

No TVA's or Federal power-distribution networks are in the cards for New England. This area will be bypassed again, even though appropriations for projects in the West will be approved. Republican leaders from New England will have much influence in the new administration, but what they can and will do for us remains to be seen. In time they will be judged for their success or their neglect. We hope that they will not forget New England.

We thought we had enough investigations during the past year to provide daily copy for our newspapers, but the Republicans will make them look elementary. The Justice Department and the State Department are due for the Sherlock Holmes treatment. No files will be hidden from Congress.

Isolationism will not get far. Most Congressmen know that we must have allies and that we must help them. Foreign aid will continue, but not on a Santa Claus basis with no strings attached. The American people will insist that the aid given be used to the best advantage. Foreign nations will have to learn that they cannot lean on us forever without doing something to help themselves. What we do ask is that they live up to their promises. Foreign aid may be cut a bit just to show them that we mean business.

Likewise no agency of the United States Government will get what it asks on its own say-so. When appropriations are requested a lot of why's will be asked. Military spending will come in for a close look. There is waste here that can be cut out without weakening our build-up. "Show me the real need for it" will be the attitude of the administration and the Congress toward every item in the first budget which, strangely

enough, will be submitted by President Truman early in 1953.

Government has gone so far and so fast during the past 20 years that it's time we took stock as to our position. On the domestic scene there will be few experiments. Moderation will be the cue.

In foreign policy there will be some changes. The State Department is up for an overhaul job. Instead of sitting back waiting for the Communists to make a move and then trying to counter it, our Government will now take the initiative. We will begin to make the first moves and let the Communists do a little worrying for a change.

The Voice of America will stop whispering. We won't be afraid to beam the truth to all the dark places behind the Iron curtain. The United States will become stronger militarily, and it will speak out clearly from this position of strength. Arms aid will begin to flow to our allies, beefing them up and giving them more courage. Moscow will have to pull in its horns or risk real trouble. The new administration will not be pushed around by the Communists.

Christmas, the most hopeful season of the year, is just around the corner.

There are many gifts that we could ask for our Government, and not material ones because it seems to be getting all the money and things that it needs. We would ask in all sincerity that it be given character and ability. For the Government of the United States is such a big responsibility that it needs the very best men it can get.

Urgent as that need is, we will not put it first on our list, because there is something else that is much closer to our hearts.

There is one gift above all that we want—one that mankind has been seeking ever since that blessed night 1,953 years ago.

It is peace on earth, good will among men.

Although it is not possible to have our men home from Korea and with us on this Christmas, there is reason to hope that the end of that treadmill war is not too many months away.

The men in Korea are not forgotten. We want them to know that.

Perhaps we were tricked into so-called truce negotiations by an enemy who scorns good will and only uses it to gain an advantage. But at least we gave that enemy a chance to cooperate for peace. That he has betrayed it is another crime added to his aggression.

The first thing that our President-elect did was to go to Korea and size up the situation first-hand.

That is the up-off to the future.

We will not appease, and we will not go on feeding our men into an endless war.

From now on there will be stepped-up pressure against communism everywhere.

The new Congress, backed by public opinion, will work with the administration to make this Nation stronger in every way.

That is the only road to peace.

### Our Liberty Must Be Guarded

#### EXTENSION OF REMARKS

OF

HON. JOHN W. BRICKER

OF OHIO

IN THE SENATE OF THE UNITED STATES

Friday, January 9, 1953

Mr. BRICKER: Mr. President, I ask unanimous consent to have printed in the Appendix of the Record an editorial entitled "Our Liberty Must Be Guarded," published in the Ohio State Journal of December 19, 1952. It deals with Senate



the Communist way of life in this very land, what they were doing, what they were thinking, and yet, as you say, folks in high places closed their eyes to the realities.

But, at long last, we have our friends now, a majority joining us in "Me too-ism."

Mr. HOFFMAN. I want to avoid any expression about "Me too-ism," no matter what it refers to. I am not knowingly a follower of the blind.

I might add this, yesterday's press carried the statement that the CIO organization had expelled I think either four or six unions because those unions were dominated by Communists. That is a fine step forward, even though it comes at this late date. Just a year or so ago when the House committee had before it the question of the communism of Mr. Flaxer, who was named in last night's press as the head of one of those expelled unions, an attempt was made to learn whether, at the White House conference which occurred in February of that year, the President had not supported the officers, Mr. Flaxer and Mr. Bernstein, Communists, in their efforts to force local employers to deal with them, notwithstanding the fact that under the Taft-Hartley Act they did not need to deal, and in answer to the House subcommittee's subpoena, Mr. Steelman wrote, and I have the letter, that on the order of the President, he refused to appear. The President still refuses to give either Senate or House the files on Communists.

Senator WILEY. Thank you, Mr. Hoffman.

Mr. HOFFMAN. Thank you, Mr. Chairman.

Senator WILEY. Mr. James P. Warburg.

It is good to see you, Mr. Warburg. Will you identify yourself for the record.

#### STATEMENT OF JAMES P. WARBURG, GREENWICH, CONN.

Mr. WARBURG. I am James P. Warburg, of Greenwich, Conn., and am appearing as an individual.

I am aware, Mr. Chairman, of the exigencies of your crowded schedule and of the need to be brief, so as not to transgress upon your courtesy in granting me a hearing.

The past 15 years of my life have been devoted almost exclusively to studying the problem of world peace and, especially, the relation of the United States to those problems. These studies led me, 10 years ago, to the conclusion that the great question of our time is not whether or not one world can be achieved, but whether or not one world can be achieved by peaceful means.

We shall have world government, whether or not we like it. The question is only whether world government will be achieved by consent or by conquest.

Today we are faced with a divided world—its two halves glowering at each other across the iron curtain. The world's two superpowers—Russia and the United States—are entangled in the vicious circle of an arms race, which more and more preempts energies and resources sorely needed to lay the foundations of enduring peace. We are now on the road to eventual war—a war in which the conqueror will emerge well-nigh indistinguishable from the vanquished.

The United States does not want this war, and most authorities agree that Russia does not want it. Indeed, why should Russia prefer the

unpredictable hazards of war to a continuation of her present profitable fishing in the trouble waters of an uneasy armistice? Yet both the United States and Russia are drifting—and, with them, the entire world—toward the abyss of atomic conflict.

#### SUPPORT OF SENATE CONCURRENT RESOLUTION 56

Mr. Chairman, I am here to testify in favor of Senate Resolution 56, which, if concurrently enacted with the House, would make the peaceful transformation of the United Nations into a world federation the avowed aim of United States policy. The passage of this resolution seems to me the first prerequisite toward the development of an affirmative American policy which would lead us out of the valley of death and despair.

I am fully aware that the mere passage of this resolution will not solve the complex problems with which we are confronted. Our recognition of the inadequacy of the present United Nations structure, and our declared determination to strengthen that structure by Charter amendment, will not alone overcome the Russian obstacle. But it will, at long last, chart our own goal and enable us to steer a straight course toward a clearly seen objective. Moreover, it will unite us in purpose with the vast majority of the peoples of the non-Soviet world.

Until we have established this goal, we shall continue to be fog and befuddle our own vision by clinging to the illusion that the present structure of the United Nations would work, if only the Russians would let it work. That has been our position to date.

Until we establish this goal, we shall continue to ask other peoples to unite with us only in the negative purpose of stopping Russia. Fear-inspired negative action makes poor cement for unity.

Once we shall have declared a positive purpose—once we shall have cemented the united will of the free peoples in a common aspiration—we shall be in a far stronger position to deal with the obstacles presented to the realization of that purpose.

Mr. Chairman, I prefer Senate Resolution 56 to other resolutions now before you for two major reasons:

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First: Senate Resolution 56 goes to the root of the evil in the present state of international anarchy. It recognizes that there is no cure for this evil short of making the United Nations into a universal organization capable of enacting, interpreting and enforcing world law to the degree necessary to outlaw force, or the threat of force, as an instrument of foreign policy. It states the objective in unequivocal terms.

Second: Senate Resolution 56 does not commit the United States to any specific next steps to be taken toward the attainment of that objective. In the present state of world affairs, it would seem to me unwise to commit ourselves to any fixed plan of action, without first exploring all the possibilities.

In contrast to Senate Resolution 56, other proposals before you seem to me either to set a goal short of what is needed to ensure peace, or to foreclose the ultimate attainment of a universal organization by an



need internationally controlled industries? Where would the force be located?

(i) What changes in the United States Constitution are involved?

(j) What changes in the constitutional authority of the Congress are involved?

We recognize, Mr. Chairman, that the growth of a world community requires the existence of an impressive beacon which reflects the aspirations of the world's peoples. We recognize the importance of working through the standards which have been set forth in the Charter of the United Nations. We recognize the concern of the American people and their desire to review under present world conditions what we undertook to accomplish in creating the United Nations. We also recognize that organizational form can contribute to clarifying public understanding of what they do and do not want to accomplish through international organization.

#### STATE DEPARTMENT CANNOT SUPPORT SENATE CONCURRENT RESOLUTION 50

But for the reasons given we cannot support this resolution.

Senator THOMAS of Utah. Senator Smith?

Senator SMITH of New Jersey. There was one question brought up in the discussion of this resolution which impressed, I think, all of us a great deal, and that had to do with the substitution of the rule of law for the rule of force in determining international difficulties. Now, the advocates of this approach argue that unless you look forward, at least, to some sort of a world organization and the development of some kind of world law, you will never get to the place where the rule of law will govern the affairs of men. You will still have the rule of contest and force. That is the main line that struck me as the most impressive argument advanced for this particular proposal.

Do you take the position today that we must postpone the immediate goal, at least, of world law in the place of force? Do you think it is so out of reach, that we ought not even think in terms of it in the future?

Mr. HICKERSON. By no means do I think that, Senator. I think we should debate these measures, we should promote the widest public understanding of these measures, and I think that of course we should work toward some kind of world law. We must feel our way very cautiously, Senator, in this thing. We must recognize that since the beginning of organized society the best thought in every community has tended to be in terms of some collective system of security and some system of world law. But we must recognize the difficulties in the way.

I feel very strongly that we should continue to study, to endeavor to understand the issues involved and to explore ways and means under the Charter of the United Nations of working toward that objective.

I do feel very strong that setting our sights on and setting forth the objective of world federation is not the way to achieve that.

#### WORLD FEDERATION OR ORDER

Senator SMITH of New Jersey. The suggestion was made by someone, I forget who it was, in the discussion of this resolution, that if

the expression in this resolution were changed from "world federation" to "world order," it might be more acceptable as an expression of an over-all ultimate goal. What is your opinion?

Mr. HICKERSON. I personally think, sir, that it would. I would still have misgivings about the advisability of passing a resolution of this sort at this time. I repeat, I think that the issues raised by this should be debated. I think that there should be the widest understanding of them and discussion of them. But I have doubts as to the advisability of passing even the amended resolution which you suggested, sir, even though that to me is an improvement.

Senator SMITH of New Jersey. I wanted to make it clear that I did not suggest that. It was suggested by someone at the hearing, and I am just trying to be sure we explore all of the suggestions that have come to us.

#### NEED FOR CONTROL OF ATOMIC ENERGY

Of course, the thing that has precipitated this has been the terrible apprehension of people because of, first, the atomic bomb, and now the so-called H-bomb. They wonder whether we are going to have time to wait for anything. I realize that the world federation idea would be a long-drawn-out affair and it would not meet that immediate issue, but the people that are advocating this and all these other plans are concerned. I think Senator Thomas said a little earlier today they are concerned that something be done in the light of this critical situation.

How do you feel we can deal with the H-bomb proposition? Do you think we should go on pressing for the Baruch plan, for example, for the control of atomic energy, and now H-bomb energy, or how are we going to deal with that—just go on pressing that particular approach or trying something different?

Mr. HICKERSON. Senator Smith, I can understand, of course, that apprehension. All of us share it. We would like to do something. But we must bear in mind that if this subcommittee reported that particular resolution, or any particular resolution, let's say this one, and the Senate unanimously approved it and every country in the world agreed to join this world federation, and if by some magic it could be done in the next 3 weeks, we still would not have the solution to the bomb.

Senator SMITH of New Jersey. I agree with that.

Mr. HICKERSON. It would not solve that.

Senator SMITH of New Jersey. I agree with that. As I said, this world federation idea is too far ahead of us to deal with the immediate crisis. I was leaving that and trying to see how you are thinking in terms of the immediate crisis and what you can do.

Mr. HICKERSON. As to your question on the control of atomic energy, I can say to you, sir, that all of us who have done any work on the subject have reached the conclusion that the so-called Baruch plan—it should be called, I think, in fairness to the other countries who made their contribution, the United Nations plan of control—would work. Mr. Baruch made proposals of a United States plan. They, you will recall, were discussed for a period of 2 years in the United Nations Atomic Energy Commission. Numerous changes were made in those proposals. To the extent that they represented improvements, the

the Communist way of life in this very land, what they were doing, what they were thinking, and yet, as you say, folks in high places closed their eyes to the realities.

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# REVISION OF THE UNITED NATIONS CHARTER

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## HEARINGS

BEFORE A

### SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

EIGHTY-FIRST CONGRESS

SECOND SESSION

ON

## RESOLUTIONS

RELATIVE TO REVISION OF THE UNITED NATIONS  
CHARTER, ATLANTIC UNION, WORLD  
FEDERATION, ETC.

FEBRUARY 2, 3, 6, 8, 9, 13, 15, 17, AND 20, 1950

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ST 5, 1993

# DeConcini Pledges For Clinton's Econo

By Eric Fanning and Ruth Marcus  
Washington Post Staff Writers

Sen. Dennis DeConcini (D-Ariz.) yesterday promised to deliver what may well be the crucial vote for President Clinton's compromise economic plan. But it's not over yet.

DeConcini, one of six Democrats who voted against the package the first time it was considered, was some major concessions from Clinton before announcing his support. "I've concluded . . . the American public is tired of gridlock, they're tired of inaction by Congress, they're looking for change, and President Clinton has offered that change," said DeConcini, who weighed the risks of backing a major tax increase and spending cut

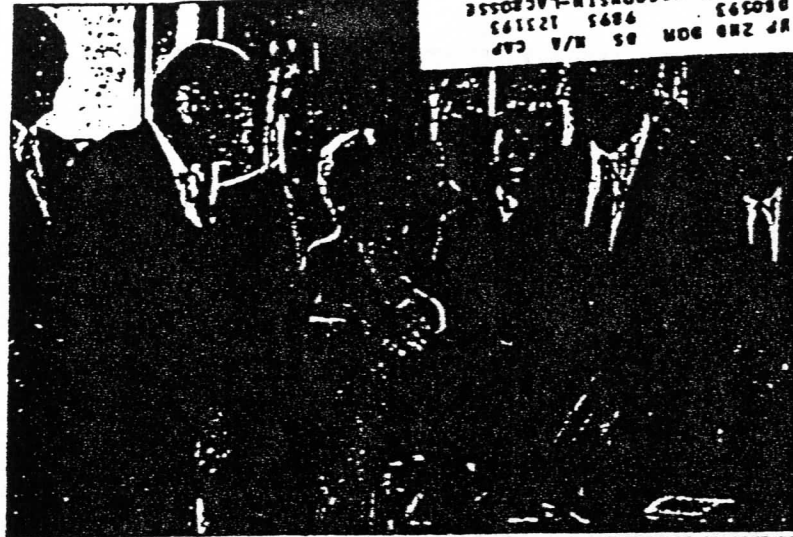
bill while facing a tough reelection campaign.

But while Clinton and congressional Democratic leaders were growing confidence yesterday that Congress would approve the compromise budget, which would cut the projected federal deficit by \$496 billion over five years, some senators were still publicly undecided. The House is tentatively scheduled to vote on the budget today, with Senate action scheduled for Friday.

"I'd hate to characterize it as a done deal. It's not as if we can crack a beer and go home," said White House press secretary Dee Dee Myers.

The Clinton administration worked at a feverish pace to sell the package, making last-minute

a taxpayers would have three years to pay retroactive taxes. Page A18



After signing an executive order averting a deficit-reduction fight, President Clinton shakes hands with Sen. Dennis DeConcini. The Arizona Democrat was major concessions before agreeing to support compromise budget measures.

## U.S. Will Seek to Mediate Ex-Soviet States' Disputes Aim Is to Avert Russian Military Intervention

By R. Jeffrey Smith  
Washington Post Staff Writer

The Clinton administration has decided to mediate disputes in a series of regional and ethnic disputes involving some of the 15 newly independent states of the former Soviet Union, according to senior officials.

The U.S. plan is to help broker an end to the disputes before they destabilize the Moscow regime of Russian President Boris Yeltsin, prevent wider ethnic or religious conflict in Turkey and southern Asia or provide a pretext for aggressive military intervention by Russian forces outside Russia's borders, the officials said.

The initiative comes at a time when armed conflicts are raging in three of the former Soviet republics—Georgia, Tajikistan and Azerbaijan—while ethnic or separatist tensions are simmering in the Baltics, Moldova and Russia itself. Disidents in North Ossetia, a strife-torn area in Russia's Caucasus mountains, last weekend assassinated the senior Russian official overseeing a state of emergency there.

In some of these conflicts, Russian military forces deployed nearby have taken sides or been "stirring up trouble," a senior U.S. official said. He added that the U.S. intelligence community believes the troops' aim is either to prolong their deployment, protect some of the 25 million ethnic Russians who live outside of Russia or help Moscow reassert control over territory it once held.

The administration is uncertain if the actions are directed by anti-reformist military officers on the General Staff in Moscow or simply reflect the uncoordinated actions of rogue commanders in the field. But few U.S. experts expect that Yeltsin, who is concerned his political power for a coming battle over the drafting of a new Russian constitution, will be able on his own to put a stop to the meddling by Russia's military.

Russian foreign ministry officials  
See RUSSIAN, A34, Col. 3

## Wider U.N. Police Role Supported

Foreigners Could  
Lead U.S. Troops

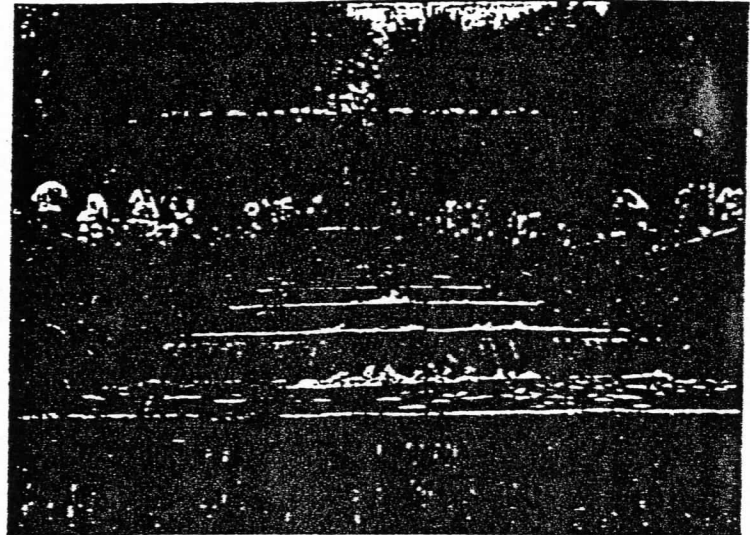
By Barton Gelfman  
Washington Post Staff Writer

President Clinton's top national security advisers have agreed to support the expanded role of United Nations peace enforcement operations around the world, but the new policy falls far short of U.N. hopes and the aggressive proposals of some members of the administration.

The initiative, outlined in the classified final draft of President Clinton's Dec. 15, 1992, order to expand the United Nations peace enforcement operations around the world, but the new policy falls far short of U.N. hopes and the aggressive proposals of some members of the administration.

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See POLICY, A22, Col. 5



Meridian Hill Park, also known as Malcolm X Park, was a 12-acre jewel in Northwest Washington until drug dealers took it over in the 1980s. Now, much of its beauty regained, it is used for picnics and concerts.

## Wrested From the Jaws of Crime Historic Park's Transformation Is the Work of Good Neighbors

By Linda Wheeler  
Washington Post Staff Writer

Dominique Gruby still has a small scar where a robber sucked him with a knife six years ago in gang-controlled Meridian Hill Park. This week, he put aside his fears and came back to the city's most majestic federal park for a concert and a multicultural celebration of an urban oasis reclaimed by residents and police.

Meridian Hill, also known as Malcolm X Park, was built between 1912 and 1936 on 12 acres that form the boundary between the Adams-Morgan and Columbia Heights neighborhoods. Long the setting for concerts by the National Symphony Orchestra, the park served as a promenade for the fashionably dressed and a place for children to splash in its many ornate fountains.

But in the 1980s, the historic park was virtually abandoned by the National Park Service, and its stately grounds were besieged by drug traffickers.

At Meridian Hill's worst, assaults and robberies were daily occurrences. Spray-painted political slogans covered its statues, and trash littered the sweeping stairway and the dry fountains. Marijuana and crack cocaine were sold openly to anyone who ventured into the park.

At a concert Tuesday night, the renewal efforts  
See PARK, A18, Col. 1



Linda Wheeler and her daughter, Elizabeth, hear the music that is bringing people back to the park.

# The New York Times

Founded in 1851

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## U.S. Cavalry for Soviet Borders?

A lively controversy rages inside and outside the Clinton Administration over what role America should play in the messy military conflicts now igniting the periphery of the former Soviet Union. Several of these conflicts directly involve Russian troops.

Next month the Administration plans to outline its formal policy as part of the guidelines it has provided as contributing U.S. military forces to United Nations peacekeeping operations. Already Washington has assigned a senior diplomat to lead a high-profile American drive to achieve negotiated solutions to these conflicts.

Warfare that involves Eurasia's mightiest military machine outside Russia's lawful borders is certainly a matter for serious American concern. But military or even aggressive diplomatic intervention is the wrong response. The U.S. can contribute more constructively by focusing its efforts on the slow slog of Russian reform rather than the high drama of crisis management.

Bloody conflicts in the Caucasus and Central Asia were all too predictable. The political structures of a continental empire Russia acquired over four centuries was inevitably shattered when the Soviet Union broke up in December 1991. Now, pro- and anti-Russian factions fight to control newly independent states whose politics, demographics and boundaries were long manipulated to serve Russian needs and whims.

In Azerbaijan, Georgia and Tajikistan, where the wars fighting now rage, independence abruptly arrived when national political leaders were in place except for compromised Soviet apparatchiks or inexperienced nationalist and religious dissidents. Worse still, no effective national armies yet existed, leaving the field open to Russian units of the

old Soviet armed forces and the undisciplined bands of rival local warlords.

There is a case for a transitional Russian military presence in these former Soviet republics, and a far stronger case for guaranteeing the basic rights of the ethnic Russian populations now stranded beyond Russia's borders.

But there is no justification for political meddling by Russian military units in the domestic politics of independent states. Most of this meddling comes at the behest of ultranationalist political opponents of Boris Yeltsin and their military allies in units stationed in the Caucasus and the Central Asian republics.

Washington should speak out forthrightly when Russian military moves trespass on sovereignty and international law, without fearing that such criticism would somehow undermine the Yeltsin Government.

Nationalist emotion is a powerful factor in Russian politics. But if the United States and other Western countries carefully and consistently remind Russians that failure to play by the international rules could isolate Russia, they could reinforce the arguments of Moscow's more sophisticated political leaders that new imperial wars are the last thing the country's strained economy now needs.

On the other hand, the demand of American and other Western nations for a more highly publicized U.S. mediation effort would almost surely be seen by many Russians as humiliating and provocative. America's most effective leverage on the former Soviet Union is the economic and health of a responsible reformist government in Moscow. That interest is best advanced by generous and consistent support for economic and political reforms in Russia itself — not by a grandiose, self-assigned role patrolling the troubled imperial frontier.

## Biology Doesn't Make the Parent

It's no secret that many children would be healthier and happier with adoptive parents than with the parents that nature dealt them. That's

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## Don't Look for the Elderly in Nursing Homes

To the Editor:

When you think the whole world is small, like the community of a nursing home, then you think the ills of old age are large. Tracy Kidder falls into that trap in "The Myth of Successful Aging" (Op-Ed, Aug. 10), his compassionate but myopic portrayal of aging in America.

Mr. Kidder bases his observations on really old people, whom he interviewed in a nursing home. To look there for "successful aging" — or, more specifically, "ideal" aging, as Mr. Kidder sees it, is like spending a year in a children's hospital and asking, "What's this myth about healthy, active kids?"

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A landmark new study by Duke University found that the percentage of older Americans in better health is growing at a greater rate than the percentage of those with disabilities — dramatic support for the concept that aging cannot and should not be equated with disability.

The number of older people aging in greater health is growing. And so is the capacity and commitment of both science and society to deal with the problems associated with later life in both the community and the nursing home.

GENE D. COHEN, M.D.  
Deputy Director  
National Institute on Aging  
Bethesda, Md., Aug. 13, 1993

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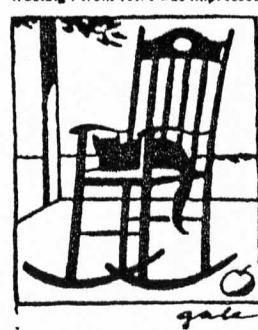
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A few weeks ago at work I suffered a series of light strokes. I work at a computer terminal, and for several minutes I could not remember what to do. There were several such events over the period of an hour. I called my wife's neurologist, a man in his 30's, who is chairman of his department at the University of California. I was directed to report for a scan of my carotid artery and was subsequently examined by the doctor, whom I know well from having accompanied my wife to consultations.

I was first examined by one of his students, who asked me the date, gave me three words to remember — just as in the example cited by Mr. Kidder — and told me to start subtracting 7 from 100. I was impressed.



Seven is a prime number, and subtraction is a good exercise. The answers are alternately odd and even. When I reached 51 he told me to stop. When the chairman joined his student, he asked me the product of 11 and 12. I immediately responded: 132. The chairman then stabbed his finger in the air, like a piece of chalk on an invisible blackboard, made some frantic motions and said, "That's right!" When asked for the three words, I responded immediately. I am an engineer and have worked

He would have been 100 last July.

The chairman agreed I had a series of light strokes. The artery scan was inconclusive, but on the safe side, I was instructed to increase my dose of aspirin to every other day to one a day, not suffer a recurrence while, I have been invited to my credentials as candidate post as instructor in mathematics at a local community college in next January. I cannot believe will offer it to a 77-year-old. They're gonna get my aspirin!

Modern medicine has accomplished the technological art of gaining control over diseases and many diseases, for example, Parkinson's, from which my wife suffers. She remains a delightful companion, stubbornly independent, within her physical abilities.

FRANK  
San Diego, Aug. 13

## No Alzheimer's

To the Editor:

Tracy Kidder's moving and accurate psychiatrist testing an old memory reminded me bitterly of my late mother's one encounter with a psychiatrist ("The Myth of Successful Aging," Op-Ed, Aug. 10).

It was 1965. She was 82, a living alone in Boston with failing and worse eyesight, and her husband was just passing. One day she drank denture-cleaning liquid, took, panicked, called 911 and up in a hospital emergency where a psychiatrist examined her.

I arrived in hours and a psychiatrist, who made a diagnosis of Alzheimer's disease, said she had been greatly affected and unable to supply the facts, such as birthplace, telephone number. Then I saw my mother, who was blooming amid the lions of kind nurses.

"What happened?" I asked. "I was crazy," she said in English. "I thought I was possessed by a demon. And suddenly I was banging on the door, I was screaming, and two big policemen came in a car to a big room and a doctor asked me these questions."

"He asked my phone number," she said. "I don't remember." "Of course I don't remember. How do I call myself? Then he asked me the year?" I said. "I don't know. I never remember if I was born in 1914. Who cares?"

"Then he asked, 'Who was President during the war?' I don't know."

"There have been so many how did I know what war he was?" Then he asked, "Where were you born?" I said, "I don't know."

"So I guess he thought I was crazy," she said. "But I don't know. One day it was Russia, then Poland, then Russia, then Poland."



# The Washington Post

AN INDEPENDENT NEWSPAPER

## D.C. Finances: Make or Break

**T**HE IMMEDIATE crises of the D.C. budget are a payroll that must be cut dramatically and a pension system that must be overhauled. The political effects, meanwhile, may turn out to be much more important not only to Europeans but to Americans. The European monetary system, which was supposed to be leading to a single currency for all 12 of the community's countries, was a great symbol of an emerging Europe that would be strong, decisive and a

this issue, Congressional delegate Norton, Mayor Kelly, council members, union officials and financial. If Japanese exports of capital are limited, the surplus with the available financing. The the statesmen and trade negotiators having failed to bring the surplus under control, perhaps the blind and unsentimental forces of the currency markets are taking over.

## Police, Soldiers and the U.N.

**A**S THE UNITED Nations expands its mission to make and keep the peace, it increasingly is finding itself in places where military force is not enough. Sometimes, where governments have collapsed, there's also an urgent need for police. Their functions are quite different from the military's, and using soldiers as substitutes for policemen can make trouble. That's begun to be visible in Somalia. But an international police force can be much harder to organize than an international military operation.

When the United Nations sent troops under the UN flag to keep the peace in Somalia, that was a job purely for the military. Once a border had been reestablished, there was a Kuwaiti government to exercise authority—not a very good government, and certainly not democratic, but capable at least of maintaining order.

Somalia is a different story. Anarchy reigns, and the U.N. is trying to arrest the chief brigand, Mohamed Farah Aided. But some U.N. lawyers protest that human rights issues were ignored by the U.N. forces' helicopter attack last month on one of Gen. Aided's redoubts in Mogadishu. Gen. Aided's men who died in the attack were no innocents: they were racketeers who had

brought great misery to their country. But these U.N. lawyers argue that the attackers ought to have given them some warning and an opportunity to surrender. This is the kind of issue that inevitably arises when troops confront not a national army but irregulars and civilian criminals. Similar questions may well confront the U.N. if it proceeds to use force in Bosnia, where regular troops, irregulars and criminals in and out of uniform are tangled together in a hideous civil war.

In the much simpler case of Haiti—another country where civil government does not exist—the U.N. is now preparing to bring in experienced police to monitor and train a police force independent of the corrupt Haitian army. But recruiting the U.N.'s police force will not be easy. Unlike military units, police aren't organized to be moved quickly around the world at the orders of national governments. And police need to speak the language of the place where they are working—meaning that most of the U.N.'s police in Haiti will probably come from Canada and France. But the better the police on the job, the less need for military back-up and unrestrained force to keep the peace.

## LETTERS TO THE EDITOR

### National Skills Standards Won't Work

The recently announced plan of the federal government to establish a National Skills Standards Board [Business, July 14] is a move in the wrong direction. I share the concern of Secretary of Labor Robert Reich and others about mismatches between

skills workers have and skills employers demand. Establishing national skills standards, however, is not an effective way to address this issue.

This approach assumes that the federal government can do a more effective job than individual employers.

ers in communicating to the labor market the skills they want on the one hand and in ascertaining the skills potential employees possess on the other. Yet the only reliable source the government will have of skills demanded will be those same individual employers. And these employers

*The Trust* is a... The committee's action to eliminate funding for the ACUS, as well as for the National Critical Materials Council and the Citizen's Commission on Public Service and Compensation, was based on simple budget reality; We cannot afford business as usual.

The ACUS spends \$1.75 million on compensation and benefits for 24 people and \$494,000 a year on rent, travel and administrative expenses. In return, this \$2.25 million and 24 people oversee \$69,000 worth of grants to people who actually produce the reports for which ACUS is credited. In addition, the ACUS oversees, on average, an additional \$130,000 from other government agencies to fund studies of interest to those agencies.

### Peace in Eritrea

In the map accompanying the article "U.N. Aides Suspended in Probe" [World News, July 22], The Post lists Eritrea as one of eight proposed sites for U.N. peace-keeping operations.

Eritrea is one of the most peaceful and stable countries in the region. There are no foreseeable plans, or reasons to consider plans, for peace-keeping operations in the country by the United Nations or any other force.

HAGOS CHEBREHWEIT

Chair of Africa  
Department of State  
Washington

Judiciary Committee, and new issues are best handled in that format.

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Let me stress the word "oversee" because the reports are not produced by the 24 people employed by ACUS, but by professors who receive grants from ACUS to perform the work. In total, approximately 10 studies a year are produced. This year ACUS's budget request stated: "The request does not include any funds to award new research during the year." Essentially, this means that taxpayers would be paying for two years of overhead (\$4.5 million) to produce one year's work—approximately 10 studies.

The ACUS was established in 1961 to make recommendations on improvements to agency administrative procedures. Clearly, over the years,

## The Washington Post

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## U.S. Cavalry for Soviet Borders?

A lively controversy rages inside and outside the Clinton Administration over what role America should play in the messy military conflicts now igniting the periphery of the former Soviet Union. Several of these conflicts directly involve Russian troops.

Next month the Administration plans to outline its formal policy as part of the guidelines it has provided as contributing U.S. military forces to United Nations peacekeeping operations. Already Washington has assigned a senior diplomat to lead a high-profile American drive to achieve negotiated solutions to these conflicts.

Warfare that involves Eurasia's mightiest military machine outside Russia's lawful borders is certainly a matter for serious American concern. But military or even aggressive diplomatic intervention is the wrong response. The U.S. can contribute more constructively by focusing its efforts on the slow slog of Russian reform rather than the high drama of crisis management.

Bloody conflicts in the Caucasus and Central Asia were all too predictable. The political structures of a continental empire Russia acquired over four centuries was instantly shattered when the Soviet Union broke up in December 1991. Now, pro- and anti-Russian factions fight to control newly independent states whose politics, demographics and boundaries were long manipulated to serve Russian needs and whims.

In Azerbaijan, Georgia and Tajikistan, where the wars fighting now rages, independence abruptly arrived when national political leaders were in place except for compromised Soviet apparatchiks or inexperienced nationalist and religious dissidents. Worse still, no effective national armies yet existed, leaving the field open to Russian units of the

old Soviet armed forces and the undisciplined bands of rival local warlords.

There is a case for a transitional Russian military presence in these former Soviet republics, and a far stronger case for guaranteeing the basic rights of the ethnic Russian populations now stranded beyond Russia's borders.

But there is no justification for political meddling by Russian military units in the domestic politics of independent states. Most of this meddling comes at the behest of ultranationalist political opponents of Boris Yeltsin and their military allies in units stationed in the Caucasus and the Central Asian republics.

Washington should speak out forthrightly when Russian military moves trespass on sovereignty and international law, without fearing that such criticism would somehow undermine the Yeltsin Government.

Nationalist emotion is a powerful factor in Russian politics. But if the United States and other Western countries carefully and consistently remind Russians that failure to play by the international rules could isolate Russia, they could reinforce the arguments of Moscow's more sophisticated political leaders that new imperial wars are the last thing the country's strained economy now needs.

On the other hand, the demand of American leaders for Russian troops, and highly publicized U.S. mediation efforts would almost surely be seen by many Russians as humiliating and provocative. America's most visible presence in the former Soviet Union is the international health of a responsible reformist government in Moscow. That interest is best advanced by generous and consistent support for economic and political reforms in Russia itself — not by a grandiose, self-assigned role patrolling the troubled imperial frontier.

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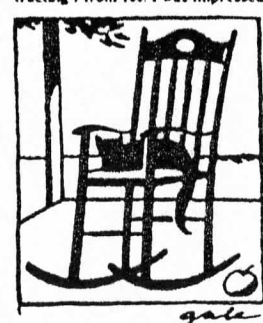
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MEDICINE

**SMOKE AND CROAK.** Like most Britons, Harry Elphick assumed that the government-run National Health Service would care for him from cradle to grave. But after he had a heart attack last winter, he learned that in England medical condition is not the only factor in prescribing treatment. Doctors at a Manchester hospital told him he would have to give up his 25-cigarette-a-day habit before he could have the bypass surgery he needed. The 47-year-old Elphick did manage to quit but died a week before his operation, which was scheduled for late August.



The Elphicks

Deciding which patients get priority for treatment is the British way of health, a fact that troubles many Americans as the Clinton administration works to reinvent the U.S. health system. British doctors deny liver transplants to alcoholics, nasal surgery

to rugby players and heart surgery to the obese. As Dr. Paul Spraggs of Whittington Hospital in north London puts it, "There are long waiting lists for many operations, [so] why not help those who help themselves?" England's medical establishment supports this approach. "We do want our doctors to exercise their clinical judgment," says Health Minister Julia Cumberlege. "That's what they are trained for."

Meanwhile, Elphick's widow insists he would still be alive if he had been treated when he first saw his doctor. The physician, Colin Bray, agrees that had he known Elphick's condition was critical, he would not have withheld treatment. "We do it," Bray says, "take moral judgments." But when a reporter asked Cumberlege if doctors weren't tending to play God, she replied, "haven't they always?"

By JENNIFER FISHER IN LONDON

WORLD

THE SERBS FIND A FRIEND: THE U.N.

For more than a year, the United Nations acted as an impartial arbiter in Bosnia, delivering humanitarian aid and brokering cease-fires. But with the threat of U.S.-led air strikes hovering in the background and peace talks deadlocked, U.N. policy has shifted in favor of the Bosnian Serbs. French soldiers under the U.N.'s command strung barbed wire across Sarajevo's airport runway to keep Muslims from fleeing. The U.N. listed Muslims as the prime violators of its no-fly zone. And 250 Serbian troops remained on strategic Mount Igman overlooking Sarajevo despite a U.N.-brokered agreement to leave. Meanwhile, Brig. Vere Hayes, the deputy U.N. commander, told *U.S. News* there's "no humanitarian strangulation" of Sarajevo.



Sarajevo fuel. For hot water, a tree at a hospital is cut.

The reason for the turnaround seems clear: If the Serbs can be seen as cooperating with U.N. orders, there will be no justification for American air strikes. There are French, British, Spanish and Belgian fears that their lightly armed troops will be attacked by Serbs if Serbs are bombed by the United States.

Sarajevans, braving Serbian sniper fire and mortar shells to gather water, claim the U.N. is condoning "ethnic cleansing." The new policy, says one Bosnian official, solves nothing and "leaves little space for peace." The U.N. is unimpressed. Its spokesman in Sarajevo says the city is not under siege but merely "encircled."

AMERICAN TROOPS AND FOREIGN COMMANDERS

Twentieth-century Americans have commanded multitudes of foreign troops—in World War II, in Korea, in NATO—but few foreigners have ever commanded Americans. That will change if Boutros Boutros-Ghali has his way. The United Nations secretary general wants America to create a standing force that the U.N. can call on and command. Bill Clinton likely will sign a directive in September giving



Macedonia. GIs for U.N.

Boutros-Ghali part—but only part—of what he wants. The United States, if the change is made, will promise to permit its troops to join operations led by foreign generals—as it did this year in Somalia. To satisfy congressional critics, the administration is suggesting that U.S. troops be allowed to disobey ill-conceived orders. But that could prove unworkable: Italian free-lancing in the U.N.'s mission in Somalia has only compromised operations and alienated allies.

There is a more subtle approach. In Somalia, for example, the United States picked the commander—a Turkish general with NATO experience—and devised the rules of engagement. In addition, the United States dominates the planning, with 27 officers on the senior military staff, including the deputy commander. The American military knows how to remain in control.





Protesters chant on the grounds outside Waseda University in Tokyo yesterday. President Clinton spoke at the college before the summit.

## Shelling, blast blamed on protesters

TOKYO (AP) — Radicals opposed to the economic summit were blamed by police for the shelling of a U.S. military base near Tokyo and an explosion that shattered windows in a building in Osaka.

No injuries were reported in either incident.

Separately, a right-wing activist was arrested for trying to break into an off limits area at Waseda University just before President Clinton spoke there yesterday morning. Tokyo police said.

About 30,000 people were on duty in Tokyo yesterday on the first day of the three-day summit of the world's major industrial democracies. To protect the delegations, Japanese authorities organized elaborate security measures.

Trash cans at a main monorail terminal were covered with giant plastic bags that bore the message "Sealed for security from the first train on July 6 to 3 p.m. on July 10."

Trash cans at subway stations were removed to prevent anyone from hiding bombs. Coin-operated lockers at the stations were emptied and sealed.

Five or six crude, homemade rockets were launched at Camp Zama yesterday, said Maj. Robert Leonard, spokesman for the base about 31 miles southwest of Tokyo. He said Japanese National Police and U.S. authorities were investigating.

"Some areas were blackened from the blasts... in parking lots," he said.

The base issued a statement saying the projectiles caused no damage, but spokesman Yasufumi Taira of the state police said three shells hit buildings on the base and one broke a window.

Police suspected leftists, radicals, opposed to the summit, said Mr. Taira.

He said five 12-inch cylindrical metal shells were found inside Camp Zama, headquarters of the U.S. Army's 17th Regional Support Group. One blew a 4 inch hole in the ground near a pine tree about 100 yards inside the front gate.

On July 1, a homemade projectile was fired at the U.S. air base at Yokota in western Tokyo. It fell short of the facility, but damaged an apartment building under construction

nearby. No injuries were reported in the July 1 attack.

Police said an explosion in the western city of Osaka shattered about 28 windows at the International Environmental Technology Center early yesterday.

Injuries were not reported at the center, part of a U.N. environment program set up in 1972 to protect the global environment.

Police did not disclose the name of the 34-year-old rightist who was arrested for trespassing.

In 1986, the last time Tokyo was host to the Group of Seven summit, ultraleftists fired five primitive missiles by a timing device at the State Guest House minutes before President Reagan arrived for welcoming ceremonies. No one was injured.

## Clinton yearns for 'big idea' discussions

By Frank J. Murray  
The Washington Times Staff

TOKYO — Now that President Clinton has seen his first economic summit, he still wants to cut down on haggling in favor of more talk about



more open, more straightforward."

The leaders should "throw their cards away and loosen up the bureaucracy and just kind of talk through these things," he said. "More important than the declaration is whether we can just chart a

long day that ended with dinner at Japanese Prime Minister Kiichi Miyasawa's official residence, where President Bush became ill last year.

"So far, it's been a very good mood. We had over three hours all alone

## SUMMIT

From page A7

Adviser" and said that nation's steps will be made more to back from the world community.

The Group of Seven also voiced support for the Middle East peace talks sponsored by the United States and Russia and called for Arabs and Israelis to build confidence on which an agreement could be based.

"We reiterate that the Arab boycott should end. We call on Israel to respect its obligations with regard to the occupied territories," the draft declaration said.

The summit also adopted a summit declaration for the United Nations, specifically endorsing Secretary General Boutros Boutros-Ghali's vision of a new world order.

The summit also adopted a declaration on the environment, specifically endorsing the United Nations' goal of sustainable development.

The G-7 leaders discussed changes that would move the United Nations closer to adding permanent seats on the Security Council for Japan and Germany, but they took no position on the issue.

Today's political declaration seemed to warn North Korea to back off its semantic roadblock to inspections by the International Atomic Energy Agency.

President Clinton travels Saturday to South Korea, where he has been criticized by all sides for accepting too little in nuclear negotiations with North Korea. His repeated statements of support here for a tough stand on nuclear proliferation appeared aimed at quieting criticism before his arrival in Seoul.

The leaders of the G-7 nations voiced support for the United Nations' goal of sustainable development, but they did not mention it in their declaration. It is expected to be part of the \$4 billion aid package that Clinton, whose home was spared in foreign capitals as well as in Congress.

Boenla seemed to divide the leaders the most, in part because last year's promise went unfulfilled.

"This is a very hard nut to crack," said Masamichi Matsubara, spokesman for the Japanese Foreign Ministry. "Many heads of government have been unable to agree on a common position on the risk of moral authority without muscle."

"The situation is much more difficult to deal with now than it would have been last year or two years ago," Mr. Christopher said, renewing the Clinton administration's criticism of Bush administration hesitation.

Mr. Clinton continues to argue that European leaders thwarted his plan, which officially remains on the table. His plan would have lifted the arms embargo and provided short-term air cover to protect Bosnian

Muslim fighters while they were getting arms. There was no storm here to reopen that argument, which sparked trans-Atlantic name calling in May.

Talks continued last night at "free-wheeling" dinner among heads of state and heads of government but produced no apparent changes in the Bosnia policy.

Presidential Counselor David Gergen sought to portray Mr. Clinton as having shaped the talks, caused by the fact of weighing in the direction taken during a plan schedule.

"I think he's taking a strong stance and initiated much of the agenda that's here," Mr. Gergen said. Others said that except for Mr. Clinton's unilateral call for super summit meetings on Asia and the job creation, few of the topics passed from advance billings.

"He has a number of issues that he wanted to get on the table, they were not and points. It's rather a place to put some additional items on the agenda for the '90s," Gergen said.

French President Francois Mitterrand warned the leaders at last night's dinner that restoring economic growth will not automatically drive down unemployment.

British Prime Minister John Major said only cuts in public spending will create the conditions for economic recovery, and Canadian Prime Minister Kim Campbell said that the government must act to get the economy back on track.

Mr. Clinton was described as exhausted last night, but Mr. Gergen tried to minimize the impact of sleep deprivation and jet lag, which Clinton was fighting with his carbohydrate spaghetti meals.

"He's at his best when the number of miles he jogs is greater than the number of hours he sleeps," Mr. Gergen said, ignoring the fact that Clinton has jogged only on a treadmill since arriving in Tokyo Tuesday afternoon.

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## Top brass OK gay-ban deal

Joint Chiefs' 6-0 vote sends 'don't ask, don't tell' plan to president

The proposal will become President Clinton's final policy. The compromise was approved by the Joint Chiefs of Staff, the White House said.

Mr. Aspin, who sought a compromise among his top officers before the policy to Mr. Clinton's 15 decision deadline, kept a tight lid on the session and put out word that an impasse still existed after the meeting ended.

Pentagon sources said aides guarded the meeting's outcome so Mr. Clinton would not face reporters' questions on the issue during the Group of Seven economic summit now in session in Tokyo.

Controversy over the issue has dogged the Clinton presidency since shortly after Mr. Clinton was inaugurated, as members of Congress joined veterans groups and others in a grass-roots campaign to keep the homosexual ban in place.

The White House recently acknowledged it did not have the votes in Congress to redeem the president's campaign pledge to disavow the ban.

The president said two months ago he was close to approving a compromise along the lines of "don't ask, don't tell."

Sources inside and outside the Pentagon said Mr. Aspin succeeded Friday in obtaining the agreement from Gen. Colin Powell and Adm. David Jeremiah, chairman and vice chairman of the Joint Chiefs, and the

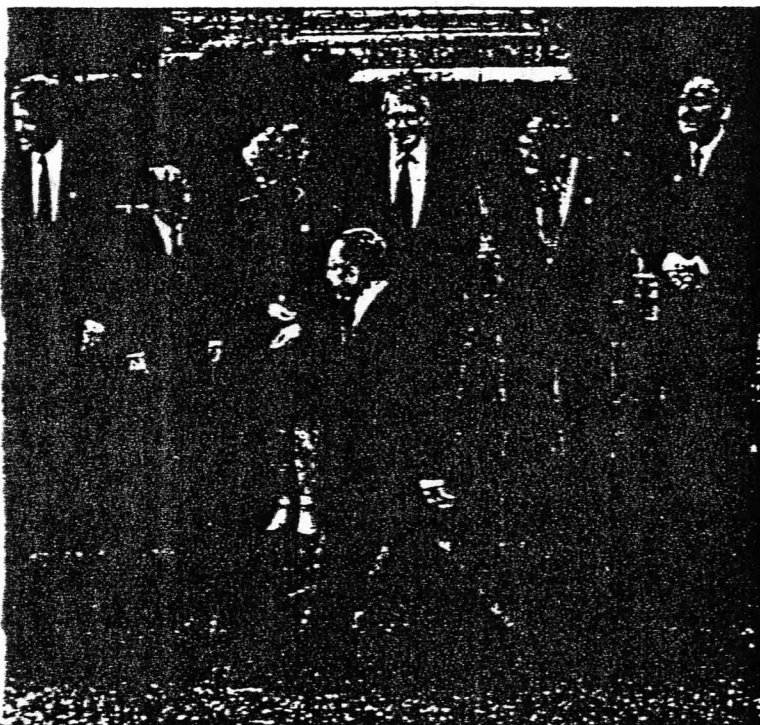
heads of the four branches of service: Gen. Carl Mundy, Marine Corps commandant; Gen. Merrill McPeak, Air Force chief of staff; Adm. Frank Kelso, chief of naval operations; and Gen. Gordon Sullivan, Army chief of staff.

The chiefs were said to be deadlocked 3-3 on two draft policies at previous meetings, before settling Friday on the language in a final version.

Col. Bill Swallen, Gen. Powell's spokesman, said yesterday he left the Pentagon before the conclusion of Friday's meeting at 7:30 p.m. and did not know its final outcome.

"I presume there was some movement," he said.

see BAN, page A9



President Clinton, Japanese Prime Minister Ichiro Miyazawa, Canadian Prime Minister Kim Campbell, British Prime Minister John Major, Belgian Prime Minister Jean-Luc Dehaene and U.S. Secretary of State Warren Christopher.

## West moves to contain nuclear arms

By Frank J. Murray  
The Washington Post Times

TOKYO — Western leaders seemingly turned their backs on Bosnia again today and moved control of nuclear weapons in North Korea and the former Soviet republics to the top of their action agenda.

In the economic summit's political declaration, written in a capital worried about nuclear weapons in nearby North Korea, leaders of Japan, the United States, Canada, Britain, France, Germany and Italy drew a line in the sand on weapons of mass destruction.

There were no threats in a draft of today's communique obtained in advance by The Washington Times. It relied instead on maintaining a common front to bring like-minded nations to the Strategic Arms Limitation Talks to pressure North Korea and the Soviet Union to limit nuclear weapons. The declaration also included a commitment to "strengthen international cooperation and safeguards to ensure the safe handling of thousands of nuclear warheads held by former Soviet republics."

"In our view, proliferation is a major threat to global security," said the Secretary of State. Christopher said of the formal statement to be issued later in the day by heads of the seven leading industrialized nations.

Their economic statement will be issued tomorrow before the summit adjourns, when the seven leaders will bear a formal address by Russian President Boris Yeltsin.

The muted declaration on Bosnia-Herzegovina was a far cry from the tough 1992 declaration in Munich, which warned of military action. That was not mentioned in this year's statement.

Today's more conservative stance supports efforts to keep the conflict

**INSIDE**

TOKYO SUMMIT 1998

- Instead of the usual haggling, President Clinton wants to focus on "big deals." A18.
- The United States tries to enlist Japanese consumers in the struggle to liberalize Japanese trading practices. C1.
- President Clinton wants to bolster the role of Asia-Pacific Economic Cooperation, which has the potential to become one of the world's powerful trading blocs. C1.
- Hillary Rodham Clinton has astonished the Japanese people by her independent spirit and easy partnership with her husband. E1.

confined to Bosnia and endorses safe areas, continued sanctions and increased humanitarian aid.

"A lot has happened since last year. It's a far different situation," Mr. Christopher said.

On other issues, the leaders: Spoke out against state-sponsored terrorism but seemed to soft-pedal their concerns about Iran while vowing "to keep up the pressure on Libya and Cuba to follow U.N. Security Council resolutions."

"Concerned about aspects of Iran's behavior, we call upon its government to participate constructively in international efforts for peace and stability and to cease actions contrary to these objectives," the draft declaration said.

It also urged the restoration of John Howard's role as a key player in the Pacific as a member of the Asia-Pacific Economic Cooperation forum.

see SUMMIT, page A10

## Not far from done deal

Through leaves many barriers to global accord

and Trade, must contend with much reluctance, rocky U.S.-European relations, serious economic concerns, a major crop of agricultural trade wars diplomatically yesterday's agreement.

market-access agreement, for nine hours of talks Tuesday and yesterday morning in trade ministers from the United States, Canada, Japan and the European Community, will reach or

eliminate import taxes on 18 manufactured product categories. A drafter but exultant U.S. Trade Representative Mickey Kantor said yesterday that the final package represents "the biggest tariff cut in history."

President Clinton, mindful that unkept promises on GATT have been a staple of the past three summits of the Group of Seven leading industrialized nations, said the latest deal has "broken the logjam" holding up

a GATT accord. The current GATT talks, known as the Uruguay Round for the country where they were launched seven years ago, face a make-or-break deadline Dec. 15.

Others, however, were more circumspect.

Noting that the Tokyo trade deal must be endorsed by the other 100-plus GATT participants, a senior British government official said,

see TARIFFS, page A10

attention of countries

Cooperationist

# EDITORIALS



## Giving the U.N. Teeth That Won't Bite Back

*U.S. troops under international command? It's a possibility*

The State Department confirms that the Administration is conducting a fundamental policy review with an eye toward placing U.S. troops under foreign command as part of U.N.-authorized military operations. While there is said to be cautious and conditional support in the Defense and State departments for the change, dissent from Congress has been swift. Sen. Malcolm Wallop (R-Wyo.) calls it a "nutty idea." A number of his more restrained colleagues on both sides of the aisle urge that Congress be consulted before any decisions are made. Certainly that should be done, for a lot of questions ought to be both asked and debated before any troop commitments are undertaken.



Americans departing for U.N. peacekeeping in Macedonia.

U.S. troops already are serving under overall foreign command in several U.N. operations. In Macedonia, in the former Yugoslavia, they are part of a larger peacekeeping force. In Somalia, they are involved in providing logistic support, although significantly—the U.S. quick-reaction combat troops there remain under U.S. command. U.S. military personnel have long been assigned as individuals to take part in U.N. peacekeeping operations, sometimes at great peril. Marine Lt. Col. William R. Higgins was serving in the U.N. observer force in Lebanon in 1988 when he was kidnaped and murdered by pro-Iranian Shiite extremists.

U.S. troops have, of course, served under foreign commanders in both world wars and in both Europe and Asia. But in each of those instances the United States was closely allied with countries—France and Britain—that had similar political values and, at least while in conflict,

raged, identical political objectives. The same has pretty much been true with NATO. But the much greater diversity of the United Nations and still unanswered questions about how a U.N. command structure would function make these earlier experiences largely irrelevant. Committing U.S. troops to U.N. operations on a regular basis would be a new thing, demanding a detailed understanding of exactly what's involved.

Just what troops might be assigned to U.N. operations, for example? The United States might be able to provide specialists—say in communications or transportation—that other countries don't have. But virtually every other country does have infantry units, so there might be no need for such U.S.

troops. Would the President, as commander in chief, retain ultimate authority over American forces? Congress—and no doubt the Pentagon—could be expected to insist upon it. Would the United States be free to opt out of any operation that it believed was counter to its own political or security interests? That too would have to be understood in advance.

Saying this, the fact remains that it is a primary U.S. national interest to have a stable world where aggression is discouraged. Working for stability cannot effectively be a unilateral undertaking; it is, properly, an international responsibility in which the United States, as the United Nations' most important member, must share.

What remains to be worked out—and the Administration would be foolish indeed if it fails to involve Congress in the process—are the rules and safeguards governing American participation in any U.N. military operation.

## Be The Bellwether

For the second straight year a period of declining scores has been some very modest improvement in the Scholastic Test results nationwide. That encouraging sign. We hope small but steady gains will be present and serve to cheer on the belief in public schools, and working to make them better.

There is probably enough encouraging news in the results to critics determined to fault schools for a host of societal ills. Surely, the public schools are where they ought to be, not achievement. But overall, seem to be holding the line.

California's scores remained relatively stable, for example, with scores the same as last year, despite a large population with limited English capability.

In Orange County, urbanized Santa Ana Unified had the lowest average on both verbal and math, but showed

## When

A novel bus tour of inner-city Los Angeles brought bankers, appraisers, brokers and other real estate professionals face to face with the potential for profits in South-Central and the Eastside. That bus ride could pay off not only for residents who are seeking home mortgages and business loans but for lenders too.

Banks can help a neighborhood flower through fair lending practices that encourage home ownership and commercial development. But far more commonly, lenders break the back of an inner-city neighborhood through redlining that restricts credit and stifles economic life.

Redlining is the rule rather than the exception in minority neighborhoods in South-Central and East Los Angeles. Too often the discrimination is based on race or ethnicity.

The L.A. riots spotlighted the pervasive problem. In minority neighborhoods, African-American and Latino mortgage or business loan





## OPINION

# The Balkan Catastrophe

By Crijeto Job

THE Yugoslav catastrophe poses for the United States a difficult political and ethical dilemma. It is both whether, and how, to respond to the atrocities - the slaughter of innocent civilians, destruction of historic cities, "ethnic cleansing," expulsion of hundreds of thousands from their ancestral hearths, aggression across recognized borders, and major destabilization of the Balkans.

There is an uneasy but strenuous debate now between the White House, Pentagon, State Department, National Security Council, Congress, and media. Last year the prevailing view was that Yugoslavia's former geopolitical, strategic importance is moot. That, with the demise of the cold war, the Balkans became a "low-interest-quotient problem" for the US. But, as the war escalated and spread - and now threatens Kosovo, Sandzak, and Macedonia - that view itself is becoming moot. The US and the major European powers are ratcheting up their warnings and taking steps against Serbia's depredations.

Here are two of the current assumptions in the policy whirl over Yugoslavia and its new successor states, that need scrutiny.

First, Defense Secretary Richard Cheney is widely quoted as having stated that the Balkan conflict is "an internal civil war." This is quite untrue. When the individual Yugoslav republics were recognized by the international community (the US included) as independent states, and admitted to the United Nations, any aggression against those states became a war between sovereign states.

The US government, for example, asks Serbia to cease its "aggression" against Bosnia. Serbia's aggression is a "cross border operation," not an internal civil war, as Mr. Cheney states.

Second, it is said that effective peacekeeping efforts - UN, US, or European - can only come when Yugoslavs tire of killing each

*Western powers have to drop their assumptions that this is a 'civil' conflict and that peacekeeping has to await an end to the shooting*

other. That is fine, except it assumes that the intra-Yugoslav violence will peter out. This model is wrong - particularly when viewed as a wider Balkan crisis. One might say, if you liked Croatia and Bosnia, you will love a future war in Kosovo, and then Macedonia.

Both of the above-mentioned notions are bona fide in the abstract. They are based on an underlying wish that somehow this "internal thing" could stay internal; that those crazy Yugoslav grunts could be waved away; that one can walk away from this mess.

But I fear the Yugoslav ethnic Chernobyl won't burn out by itself. Its fallout may not be contained. To stop a chain reaction will require a steady international effort, with some sacrifices.

I RECENTLY asked National Security Advisor Brent Scowcroft at what point, if any, US national interest would be involved in Bosnia. Should a line be drawn, I wondered. He said the war is already out of control, and that if it extends to Kosovo and involves Albanians and sweeps in Muslim interests and then moves to Macedonia, it would involve the Atlantic community's interest.

Such answers are understandable. They are careful and cautious. It is a political year. No foreigner can breezily urge mothers and fathers to send their sons and daughters to fight and get shot overseas.

But at the same time, is the US condemned to never respond in time, but always be late - always when the odds are so much worse, requiring more sacrifice and money?

The spectre of Vietnam and Lebanon looms. Who wants to fight in the mountains of Yugoslavia - so different from the sands of Kuwait and Iraq?

The Pentagon calls Yugoslavia a potential "quagmire." I suggest a "quagmire" is less possible. The performance of the Yugoslav-Serbian army units, and assorted lumpen bands, show they are mostly demoralized, incompetent, disoriented forces - capable only of shelling cities from a safe distance and murdering unarmed civilians. I suspect the first strike

by a serious international force would cause them to unravel. There would be little prospect for a guerrilla war.

Those who, on the strength of the erstwhile Yugoslav partisan warfare tradition, assume the opposite, are probably missing the decay and the demoralization that shot those "armies" through and through. Avoiding a static view, one should allow that a serious sustained international military involvement and action would produce a sea change in the political atmosphere and public mood. The populations would have even less heart to follow self-defeating ethnic aggressions.

The US and the West can wear many Serbs and Croats away from their chauvinist programs. A ringing statement of the West's "Peace Principles and Aims" would help. Points might include:

■ In the eyes of the West all Yugoslav peoples are equally deserving. None is a better friend of the West than others.

■ The legitimate rights and aspirations of all Yugoslav peoples and ethnic groups will be equally upheld and respected. Minority rights must be preserved.

■ All borders of Yugoslav states must be respected and are inviolable: no Yugoslav people or state can claim any right that all its members must live in one state; all ethnic groups and minorities will have their rights and autonomies internationally guaranteed and protected.

■ The territorial integrity of Bosnia and of Croatia must and will be restored, and the large Serbian populations in both, as well as the Albanians of Kosovo, will have their political and cultural autonomies internationally guaranteed.

■ With peace reestablished, the West can help the postwar reconstruction of the war-torn countries. Independent Yugoslav states can integrate in the European Community. They can reconnect their traditional ties in trade, transport, and energy.

So many in the Balkans are willing and ready to do this.

■ Crijeto Job is Washington correspondent for *Vreme*, an independent magazine in Belgrade.

## The Limitations Of a UN 'Army'

By John F. Hillen III

THE failure of the international community to act decisively in the Balkan conflict has led United Nations Secretary-General Boutros Boutros-Ghali to propose an international "police force" made up of 100,000 men contingents from member nations. While the idea of genuine collective security is one of the pillars upon which the UN was founded, it is also a deeply flawed idea, as examination of its strategic and operational utility shows.

The UN has a central paradox: While an effective UN must have the power to coerce national governments, few nations are willing to give the organization this power lest it damage their own interests. None of the powerful member-nations will relinquish elements of national sovereignty to an international organization they cannot control. A successful coalition, needed to win a difficult victory, must be dominated by a party with narrow interests that is willing to sacrifice people and material in order to reach its goal. For the tough campaigns, such as driving the Iraqi Army out of Kuwait, a coalition must be dominated by one nation, or a small group of nations, willing to make the difficult decisions and sacrifices.

The current trend in international peacekeeping is toward the use of soldiers as symbols of the transient will of the international community. Usually sent in after cease-fire agreements, these soldiers, the precursors of a UN army, act as human trip wires. Combatants are shamed into not attacking them. The Canadian commander of UN forces in Sarajevo does not have a defined and attainable military objective, he does not have an offensive mission, and he does not have the resources to perform either. He has no initiative of action, and his force exists at the pleasure of the combatants around him. The 1982-83 international peacekeeping force in Lebanon was similarly robbed of the initiative, but, tragically, the combatants were not so tolerant as the Serbs have been to date.

THE goal of a police force is to enforce laws to the extent that there is an acceptable level of compliance. In other words, a policing effort is a battle of attrition. The goal of a military force is to secure objectives that are the natural outgrowth of political goals: in other words, victory. The ability of the UN Army proposed by Mr. Boutros-Ghali to present a military character adequate to win formidable conflicts must be in great doubt. The intellectual and psychological strength of the field commanders and their soldiers, an unquantifiable but hugely important factor in combat, is carefully fostered in the professional armies of most nation states. A UN collaboration army would lack this character.

To some degree, this has been recognized. The proposed strategy is to send the UN army to crisis areas as soon as any indication of trouble arises, a preemptive strike of sorts. But, this strategy once again relies on using the UN army as a human challenge; a tripwire for international condemnation - a mission that completely takes the initiative away from UN soldiers.

Faced with a complex international crisis such as the Balkans, the reaction of many policymakers and commentators is to separate the problem-solving approaches into two distinct realms: diplomatic and military solutions.

A vaguely defined military intervention is proposed as the solution to an intractable diplomatic stalemate. The director of Georgetown University's Institute of Diplomacy actually proposed the incremental application of force (à la Vietnam), ending in "combat operations."

The strategy of using an international force that acts as a human challenge - whose basic weapon is the conscience of the combatants it faces - is fundamentally flawed from a military perspective, but it can enjoy limited successes in some instances. The employment of a UN army to be used as an offensive military force in difficult and complex conflicts, however, has even greater shortcomings.

■ John F. Hillen III, a defense consultant in Washington, served as a US Army officer with the 2nd Armored Cavalry Regiment in Germany and in Operation Desert Storm.





the House of Representatives and the Committee on Appropriations of the Senate. In addition, the President is authorized to accept such gifts or cost sharing arrangements as may be proffered to sustain the program under this section.

(Pub. L. 101-410, title VI, § 402, Nov. 16, 1990, 104 Stat. 3186.)

#### REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in par. (a), is Pub. L. 87-286, Sept. 31, 1961, 75 Stat. 527, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the National and Community Service Act of 1990, and not as part of the Mutual Educational and Cultural Exchange Act of 1961 which comprises this chapter.

#### § 2454. Administration

References in Other Laws to OR 16, 17, or 18 Pay Rates

References in laws to the rates of pay for OR 16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 929 (title 1, § 101(c)(1)) of Pub. L. 101-509, set out in a note under section 5378 of Title 5.

#### § 2456. J. William Fulbright Foreign Scholarship Board

(a) Appointment; members; considerations for selection

(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 2452(a)(1) of this title, and of supervising such programs and the programs authorized under section 2452(b)(4) and (4) of this title, there is continued the authority of the President to appoint a board of foreign scholarships which shall be known as the "J. William Fulbright Foreign Scholarship Board" (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Department of Education, the United States Department of Veterans Affairs, public and private nonprofit educational institutions.

(See main edition for text of (2); (b) to (f))

(As amended Pub. L. 101-246, title II, § 204(a)(1), Feb. 18, 1990, 104 Stat. 49, Pub. L. 102-54, § 13(h)(1), June 13, 1991, 105 Stat. 275.)

#### AMENDMENTS

1991—Subsec. (a)(1) Pub. L. 102-54 substituted "Department of Veterans Affairs" for "Veterans Administration".

1990—Subsec. (a)(1) Pub. L. 101-246 substituted "board of foreign scholarships which shall be known as the 'J. William Fulbright Foreign Scholarship Board'" for "Board of Foreign Scholarships".

#### CONTINUED SERVICE OF BOARD MEMBERS

Section 204(b) of Pub. L. 101-246 provided that: "Each member appointed to the Board of Foreign Scholarships before the date of the enactment of this Act (Feb. 18, 1990) shall continue to serve for the remainder of the term to which each such member was appointed."

#### REFERENCES TO BOARD OF FOREIGN SCHOLARSHIPS

Section 204(c) of Pub. L. 101-246 provided that: "Any reference in any provision of law to the Board of Foreign Scholarships shall, on and after the date of enactment of this Act (Feb. 18, 1990), be deemed to be a reference to the J. William Fulbright Foreign Scholarship Board."

#### § 2460. Bureau of Educational and Cultural Affairs

(a) Establishment; responsibilities

In order to carry out the purposes of this chapter, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this chapter, including but not limited to—

(See main edition for text of (1) to (7))

(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1141(a) of title 20) who have not received their initial baccalaureate degree or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries, and

(See main edition for text of (9))

(b) Revocation or diminution of grants

(1) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this chapter may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

(2) The J. William Fulbright Foreign Scholarship Board shall formulate a policy on revocation of Fulbright grants which shall be made known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees.

(c) Program requirements

The President shall insure that all programs under the authority of the Bureau shall main-

tain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

(d) Administration of programs

The Bureau shall administer no programs except those operating under the authority of this chapter and consistent with its purposes.

(e) Office of Citizen Exchanges

There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The Office shall support private not-for-profit organizations engaged in the exchange of persons between the United States and other countries.

(As amended Pub. L. 101-246, title II, § 204(a)(2), 222(a), 223, Feb. 18, 1990, 104 Stat. 50, 55, 56.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), (b)(1), and (d), was in the original "this Act", meaning Pub. L. 87-286, Sept. 31, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

#### AMENDMENTS

1990—Subsec. (a)(8). Pub. L. 101-246, § 222, inserted "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries" after "degree".

Subsec. (b) to (d). Pub. L. 101-246, § 204(a)(2), added subsec. (b) and redesignated former subsec. (b) and (c) as (c) and (d), respectively.

Subsec. (e). Pub. L. 101-246, § 222(a), added subsec. (e).

#### TRANSFER OF FUNCTIONS

Section 223(b) of Pub. L. 101-246 provided that: "There are hereby transferred to the Office of Citizen Exchanges on the date of enactment of this Act (Feb. 18, 1990) all functions carried out by the Office of Private Sector Programs on the day before such date."

#### § 2461. United States-Soviet exchanges

(a) Financing of exchanges with repayments on Lend-Lease debts

The President is authorized to negotiate and implement an agreement with the Union of Soviet Socialist Republics under which repayments made by the Soviet Union on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the Soviet Union for educational, cultural, and artistic purposes. Exchanges authorized pursuant to this section shall be administered subject to the provisions of this chapter. Part of the funds repaid to the United States shall be in convertible currency for the purpose of paying the expenses associated with study and other exchange activities by Soviet citizens in the United States.

(b) Limitation on availability of funds

Funds made available for the purposes of this section shall be available only to the extent and

in the amounts provided for in an appropriation Act.

(Pub. L. 87-286, § 112, as added Pub. L. 101-246, title II, § 224, Feb. 18, 1990, 104 Stat. 56.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 87-286, Sept. 31, 1961, 75 Stat. 527, as amended, known as the Mutual Educational and Cultural Exchange Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

#### CHAPTER 34—THE PEACE CORPS

##### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2378, 2379, 2398, 4071c, 5434 of this title; title 5 section 5332; title 20 sections 1077, 1078, 1087nd, 1087re, 1092; title 26 sections 912, 913, 912i, 912j, 905i; title 42 sections 294d, 294e, 297b, 406, 409, 410, 1253a, 1263b.

##### § 2504. Peace Corps volunteers

##### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2506, 2509 of this title; title 5 sections 5142, 5332; title 26 sections 912, 940i; title 42 section 409.

#### CHAPTER 35—ARMS CONTROL AND DISARMAMENT

##### SUBCHAPTER III—FUNCTIONS

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##### SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-316, § 1, Dec. 11, 1989, 103 Stat. 1853, provided that: "This Act (enacting sections 2577a and 2595 to 2598c of this title, amending sections 2563, 2567, 2588, and 2589 of this title, and enacting provisions set out as notes under sections 2563 and 2567 of this title) may be cited as the 'Arms Control and Disarmament Amendments Act of 1989'."

##### SHORT WEAPONS DISTRIBUTION

Pub. L. 101-316, title IV, Dec. 11, 1989, 103 Stat. 1853, provided that:

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## SUPPLEMENT III

CONTAINING THE GENERAL AND PERMANENT LAWS OF  
THE UNITED STATES, ENACTED DURING THE  
101<sup>ST</sup> CONGRESS AND 102<sup>D</sup> CONGRESS,  
FIRST SESSION

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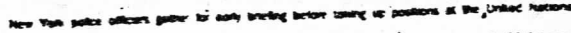






## By FRANK E. McMANUS

U. S. officials are concerned that the new Administration's efforts to increase the number of U. S. citizens in the United States will be hampered by the new Administration's efforts to increase the number of U. S. citizens in the United States.



the leaders had to wade through a swamp of protest and security

...a 1980... Africa, popul... 300,000—called for... by the major... and the pre...-aligned... nations.

[illegible]

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[illegible]

borrows two-thirds of what it spends on arms. The US federal debt is, in fact, the Pentagon's debt, and will have to be repaid by many generations of Americans. There must be an end to the thread somewhere. But, anyway, it is the Americans' own business.

Occasionally I get the impression that some American politicians, while praising the capitalist system and their democracy, are nevertheless not very sure about either, fearing competition with the USSR in conditions of peace. That compels them to insist on having the war machine, whipping up tensions, etc. I feel that some observers will write, upon reading these lines, that, regrettably, Gorbachev has a poor knowledge of Western democracy. Alas, I do know a thing or two, enough anyway to hold a firm trust in socialist democracy and socialist humanism.

We will resolve the issues which we honestly discuss, and we will achieve the goals we have charted. The disposition of our people should also be taken into account. If they have been stung to the quick, so to speak, if their patriotic feelings have been involved, they will spare no effort to achieve their ends and will work wonders in doing so. The Soviet Union is a vast country rich in minerals and skilled manpower, and with great scientific resources. Nearly all workers have a complete secondary education. So do not rush to toss us on the "ash-heap of history"; the idea only makes Soviet people smile.

In my talks with a delegation of the House of Representatives last April, I said that the execution of our plans for renewal posed no threat—either political or economic, or any other—to the American people, or to any country. I said the same thing in the Kremlin in my address to the participants in the Forum for a Nuclear-Free World and the Survival of Humanity: we want to be understood, we hope that the world community will admit that nobody need be a loser and the whole world will gain from our desire to make our country better.

And so, neither the Soviet Union, nor its perestroika pose any threat to anyone, except, perhaps, by setting an example—if someone finds it acceptable. Yet again and again we are accused of wanting to implant communism all over the world. What nonsense! I would not care if these accusations were made by people who do not have too many scruples about what they write to earn their living. But the same things are, to this day, also pronounced publicly by seemingly responsible statesmen. And I was very much surprised to hear it two years after

perestroika had been launched from a politician I used to respect. Why, I inquired? We know the Truman, Eisenhower and Reagan doctrines. But nobody has ever heard any statements from us about "implanting communist domination." Lenin said that we, the socialist state, would chiefly influence world development through our economic achievements.

The success of perestroika will show that socialism is not only capable of coping with the historic task of reaching the heights of scientific and technological progress but that it can handle it with a maximum of social and moral efficiency, by the methods of democracy, for the people and thanks to their own efforts, intellect, skills, talents, conscience and awareness of their responsibility to other people.

The success of perestroika will lay bare the class narrow-mindedness and egoism of the forces that are ruling the West today, the forces that are hooked on militarism and the arms race, and that are looking for "enemies" all over the globe.

The success of perestroika will help the developing countries find ways to achieve economic and social modernization without having to make concessions to neocolonialism or throwing themselves into the cauldron of capitalism.

The success of perestroika will be the final argument in the historical dispute as to which system is more consistent with the interests of the people. Rid of the features that appeared in extreme conditions, the image of the Soviet Union will gain a new attractiveness and will become the living embodiment of the advantages that are inherent in the socialist system. The ideals of socialism will gain fresh impetus.

I have on more than one occasion realized that my Western interlocutors grasp this only too well. A Western politician, who is by no means a communist, said: "If you do what you've conceived, this will have fantastic, truly global consequences."

It is probably not easy for a foreign reader to understand many of our difficulties. It is only natural. Each people and each country have a life of their own, their own laws, their own hopes and misconceptions, and their own ideals. Such diversity is wonderful; it needs to be developed, rather than stifled. I, for one, am sick of the attempts by some politicians to teach others how to live and what policy to conduct. They proceed from the arrogant assumption that the life and policy of their own country is an example and a model of freedom, democracy, economic

and Non-Violent World, which was signed by Prime Minister Rajiv Gandhi of the Republic of India and myself in November 1986, contains words which I'd like to cite here as well: "In the nuclear age, humanity must evolve a new mode of political thought, a new concept of the world that would provide reliable guarantees for humanity's survival. People want to live in ~~safer~~ and a more just world. Humanity deserves a better fate than being a hostage to nuclear terror and despair. It is necessary to change the existing world situation and to build a nuclear-weapon-free world, free of violence and hatred, fear and suspicion."

There are serious signs that the new way of thinking is taking shape, that people are coming to understand what brink the world has approached. But this process is a very difficult one. And the most difficult thing is to ensure that this understanding is reflected in the actions of the policy-makers, in their minds. But I believe that the new political mentality will force its way through, for it was born of the realities of our time.

### *Our Road to a New Outlook*

We do not claim to be able to teach others. Having heard endless instructions from others, we have come to the conclusion that this is a useless pastime. Primarily, life itself teaches people to think in a new way. We ourselves have come gradually to it, mastering it stage by stage, reconsidering our customary views on the problems of war and peace, on relationships between the two systems, and pondering over global problems.

It was a long road. Thirty-odd years ago, the 20th CPSU Congress reached an important conclusion, to the effect that a new world war was not inevitable, and could be prevented. This implied that a future conflict could not just be postponed, and a "peaceful respite" prolonged, but that any international crisis could be settled by peaceful means. Our Party proclaimed its conviction in the possibility and necessity of eliminating the threat of war as such, of banishing war from the life of mankind. It was declared then that war is by no means an indispensable prerequisite for social revolutions. The principle of

peaceful coexistence was refined, with account taken of the changes brought about by the Second World War.

In the years of *détente* we tried to fill this principle with a concrete content on the basis of equitable international dialogue and co-operation. Those years saw the conclusion of a number of important treaties completing the "postwar" period in Europe, and an improvement in Soviet-American relations which influenced the entire world situation.

The very logic of *détente* was being prompted by the increasing realization that a nuclear war cannot be won. Proceeding from this fact, we declared five years ago to the whole world that we shall never be the first to use nuclear weapons.

A far-reaching conceptual turning-point was reached at the April 1985 Plenary Meeting of the CPSU Central Committee, and the 27th CPSU Congress. This was, to be precise, a turning towards a new way of political thinking, to new ideas about the correlation between class principles and principles common to humanity in the modern world.

A new way of thinking is not an improvization, nor a mental exercise. It is a result of serious reflections on the realities of today's world, of the understanding that a responsible attitude to policy demands scientific substantiation, and that some of the postulates which seemed unshakable before should be given up. A biased approach, *ad hoc* decisions for the sake of transient goals, and departures from a strictly scientific analysis of the situation cost us dear.

It can be said that we have conceived the new mentality through suffering. And we draw inspiration from Lenin. Turning to him, and "reading" his works each time in a new way, one is struck by his ability to get at the root of things, to see the most intricate dialectics of world processes. Being the leader of the party of the proletariat, and theoretically and politically substantiating the latter's revolutionary tasks, Lenin could see further, he could go beyond their class-imposed limits. More than once he spoke about the priority of interests common to all humanity over class interests. It is only now that we have come to comprehend the entire depth and significance of these ideas. It is they that are feeding our philosophy of international relations, and the new way of thinking.

← One may argue that philosophers and theologians throughout history



going concern which had to be serviced continuously, and with no delay whatever. It had been different in Geneva. Not a meeting of importance was held during the first eighteen months of the League's existence, when the world was far too busy implementing the peace treaties which—fortunately for the League—had already been concluded. Sir Eric could take the necessary time. I could not.

The Preparatory Commission and the Assembly had agreed that the Secretariat should be organized in eight departments, each under an Assistant Secretary-General. Four of the departments corresponded to the main fields of activity of the United Nations. They were:

*The Department of Security Council Affairs*, to serve also the General Assembly in all political questions and the Atomic Energy, the Disarmament, and other commissions.

*The Department of Economic Affairs*, to serve the Economic and Social Council and its commissions as well as the General Assembly in all economic questions.

*The Department of Social Affairs*, to perform a like task on all social questions considered by the United Nations, including human rights.

*The Department of Trusteeship and Information from Non-Self-Governing Territories*, to serve the Trusteeship Council, and the Assembly in its consideration of problems of non-self-governing territories not included in the Trusteeship system.

Then there was *the Legal Department*, to advise the organs of the United Nations and the Secretary-General on legal and constitutional matters and the drafting of international agreements, and to be responsible for the registration of treaties.

A sixth, *the Department of Public Information*, had the role of helping to promote an informed public understanding of the aims and activities of the United Nations without which, the First Assembly recognized in a unanimous resolution, "the United Nations cannot achieve the purposes for which it has been created."

*The Department of Administrative and Financial Services* combined administration of the Organization's finances with central responsibility for personnel.

*The Department of Conference and General Services* provided such services to the Assembly and the Councils as interpretation,

translation, and official records, and the "housekeeping" services required for the organization.

The choice of the Assistant Secretaries-General, who would constitute my "cabinet," was, of course, my first concern. It soon appeared that it was equally the concern of some of the great, and a number of the lesser, powers.

Mr. Vyshinsky did not delay his approach. He was the first to inform me of an understanding which the Big Five had reached in London on the appointment of a Soviet national as Assistant Secretary-General for Political and Security Council Affairs. Mr. Vyshinsky simply spoke of an "agreement"—he said nothing of its binding quality, of the right of the Big Five to arrive at it, or of the length of time it was meant to apply. Now by the terms of the Charter, the Secretary-General has full authority in the disposition of the Assistant Secretary-Generalships, with respect both to their nationality and to their personality. The authority, in fact, was the point of a hard-won decision at San Francisco which rejected an attempt to prescribe that there should be four Deputy Secretaries-General, appointed by the General Assembly upon the recommendation of the Security Council in the same manner as the Secretary-General. Strictly speaking, therefore, the Big Five had no right to arrive at any understanding regarding the distribution of the offices of Assistant Secretary-General which was binding upon the Secretary-General.

This is not to say, however, that it would have been politic of me to resist the great-power accord. Moreover, I welcomed the understanding as a sign of good will and confidence between East and West. That the Soviet Union wanted one of its nationals to fulfill the premier Assistant Secretaryship could be taken as another indication of serious Soviet interest in the United Nations, and that the United States was willing to agree to accord this key post to a national of the U.S.S.R. was evidence of an American desire to encourage this interest for the sake of world peace.

Mr. Stettinius confirmed to me that he had agreed with the Soviet Delegation in the matter. In fact, the Big Five had agreed among themselves to ask me to appoint a national of each of them as an Assistant Secretary-General. But both Mr. Stettinius and the French stressed that their agreement to the Soviet post was a limited one,

**NONK IS SO BLIND AS HE WHO WILL NOT SEE**

Mr. UFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to read and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UFF. Mr. Speaker, on the opening day of the 2d session of the 87th Congress, I introduced H.R. 9567, a bill to react and revoke membership of the United States in the United Nations and to appoint agencies thereof and to repeal the International Act relating thereto.

I introduced this resolution because it is my firm conviction that this Nation cannot survive as a Republic as long as we are shackled by an international organization by a treaty which supersedes our Constitution. As stated in the Declaration of Independence:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

So in this resolution that same decent respect to the opinions of mankind requires that I state the causes which impel me to seek this separation.

To prove my point, I submit the following facts for a candid review. Our Constitution provides:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Hence, any law enacted by Congress pursuant to a treaty becomes the supreme law of the land even though it would otherwise be unconstitutional.

The supremacy of law under a treaty was clearly set forth in the decision of the U.S. Supreme Court in 1920 in the Missouri versus Holland case wherein a Federal law, otherwise unconstitutional, was held valid because of a treaty between Canada and the United States. This decision clearly states that where there was a conflict between the provisions of our Constitution and the provisions of a treaty, the conflict must be resolved in favor of the treaty. This same doctrine has been extended to include executive agreements. The result of this situation has been to destroy the limited form of republican government and has denied to each State a republican form of government as guaranteed by the Constitution and has supplanted it with a government of unlimited powers which destroys the historical separation of executive, judicial and legislative branches of our Government. This was certainly never envisioned by the framers of our Constitution.

When the United Nations Charter was submitted to the Senate for ratification,

great stress was laid upon article 2, sub-paragraph 1, which states:

Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter.

I do not believe that the U.S. Senate would have ratified this treaty without relying on the above-quoted paragraph. However, this paragraph has been completely and constantly ignored over the past 16 years and every organization, commission, and dominant flowing out of the United Nations Charter has been for the sole purpose of meddling in matters which are essentially within the domestic jurisdiction of the member nations as well as the several States of our own Union, completely destroying the sovereignty of each State to legislate in contravention of the treaty provisions. Mr. Moses Moskowitz, a noted internationalist, made the following statement in the American Bar Association Journal of April 1949 (35 A.B.A.J. 283, 285):

Once a matter has become, in one way or another, the subject of regulation by the United Nations, be it by recognition of the General Assembly or by convention between member states at the instance of the United Nations, that subject ceases to be a matter being "essentially within the domestic jurisdiction of the member states." As a matter of fact, such a position represents the official view of the United Nations, as well as of the member states that have voted in favor of the universal declaration of human rights. Hence, neither the declaration nor the projected covenant, nor any agreement that may be reached in the future on the machinery of implementation of human rights, can in anyway be considered as violative of the letter or spirit of article 2 of the charter.

Following this, the Acheson State Department made this official declaration:

There is now no longer any real difference between domestic and foreign affairs.

These statements plainly render article 2, subparagraph 1, of the charter meaningless.

John Foster Dulles, former Secretary of State, in a speech before the American Bar Association in Louisville, Ky., April 12, 1952, said:

Treaty law can override the Constitution. . . . They (treaties) can cut across the rights given the people by the constitutional Bill of Rights.

This conversion of our limited republic to an unlimited democracy is a death blow to this Nation.

The realization of this tragedy was the reason for the proposal of the Bricker amendment nearly a decade ago. The Bricker amendment simply provided that when there was a conflict between the Constitution of the United States and a treaty, that conflict must be resolved in favor of the Constitution, and yet the Bricker amendment was defeated by a narrow margin under strong propaganda pressure from the Council on Foreign Relations and politicians who stood in the unlimited power conveyed

upon them by the United Nations Charter. There were just too many politicians and too few statesmen.

Now let us look at the record. According to Truman's long-time Secretary General of the United Nations, he stated that there was a secret agreement between Alger Hiss and Senator Charles McNary that the head of the United Nations military staff should always be a Communist. That agreement has never been broken, and we have had a succession of Communists running that staff, the present one being Mr. Arvidsson. A direct consequence of this treasonous agreement this country lost its first military engagement in Korea as a result of the inactivity of more than 100 billion and 15,000 American casualties to say nothing of the honor and prestige of this Nation.

This was the first war in which we engaged, not as the United States military force, but as a United Nations force, although we contributed 80 percent of the men and the money. Now convenient this was to the Communists to have one of their own men at head of the United Nations military staff, who reviewed all orders going from the Pentagon to General MacArthur and gave them to our enemy before General MacArthur received them. The enemy, which consisted of the Red Communist army and Russian equipment and fliers, was driven back to the Yalu River and given sanctuary on the other side. General MacArthur could have destroyed the enemy in short order had he been permitted to pursue them across the river from whence they came. Because General MacArthur could not in good conscience follow these orders, he was recalled and the Korean war ended in dismal defeat.

We were sold the U.N. on a promise of peace, but we failed to realize that this peace was to be a Communist peace. In fact, it was to be a total victory for the International Communist conspiracy. Our faith in this hope was so firm that we were lulled into a state of false security with the Communist world gobbling up 13 or 14 countries, bringing 800 million people under their domination. Russia has used the veto power nearly a hundred times. The United Nations has been completely unable to bring any degree of peace, and Russia itself has created 13 or 14 military conflicts between the East and the West.

The United Nations has not as yet passed a resolution of censure against Russia for its Hungarian blood bath but rather stood idly by and helped to betray the Hungarian freedom fighters into the hands of Russia. It could not even act a censure resolution against India for its military invasion of Portuguese enclaves.

Further, Mr. Speaker, what may I ask is the United Nations doing to prevent President Sukarno, of Indonesia, from carrying out his military attack against the island possession of Holland which lies more than a thousand miles away from Indonesia? Is colonialism under Holland a bad thing but colonial-

ism under pre-Communist Indonesia a good thing? I have been unable to get any rationale on this question. In fact, it has passed no resolutions of condemnation against Russia or any of its satellites or against the so-called neutral countries but buses itself with resolutions of condemnation against our allies, such as Portugal, Holland, and France.

The power, the honor, and the prestige of America have fallen from their high point in 1945 to an absolute zero today. The action in Indochina is nothing short of lunacy. Not a voice was raised in the United Nations when Syria withdrew from the United Arab Republic, but that same organization sent troops into the Congo to prevent self-determination of a civilized and Christian province which did not want to be a part of a Communist-controlled Congo.

Our defeat in the abortive Cuban invasion can be laid on the doorstep of the United Nations, as the United Nations treaty prohibits us from engaging in any military operations without the consent of the United Nations Security Council in which Russia holds the veto power. At this point, Mr. Speaker, may I remind the Members of the House and the people of America that the Cuban situation was not even mentioned in the President's state of the Union message on January 11 although the so-called white paper issued by the Department of State declares that Cuba constitutes a Sino-Soviet bridgehead in the Western Hemisphere and that the military power of Cuba is second only to that of the United States in the Western Hemisphere due, of course, to the millions of dollars of armaments, equipment, and technicians and money furnished by the Communist countries to Fidel Castro. Why, I ask, was not this clear and present danger to the security of our country discussed in the state of the Union message together with a proposal to deal this danger?

Let me put this in very simple and understandable terms so that no one can misunderstand it. This situation is analogous to having a rattlesnake in the bedroom, and father ignores this danger to his family and starts blithely off on a big game hunt in Africa leaving mama and the children to cope with the rattlesnake in the bedroom.

Mr. Speaker, how else can we get to relinquish the right to protect our Nation against Communist invasion in the Western Hemisphere? If we continue our membership in this organization, you can look to see the Nation condemned for having our naval base at Guantanamo Bay, Cuba. You can also look to see us condemned for owning the Panama Canal, and the same 66 votes which threw France out of its legal position in Bizerte can vote us out of Guantanamo and out of Panama. You can see, and with reason, Mexico demanding through the United Nations all of that territory taken from them under the Treaty of Guadalupe Hidalgo following the Mexican War in 1848. You can see Russia demanding the return of Alaska because we only paid them \$15 million when it is really worth billions and certainly the American Indians, if they had represen-

tation in the United Nations, could demand the return of Manhattan Island together with the rest of the land that was legally theirs. You say this is fantastic? You would have said that the present situation in Cuba was a fantastic idea 16 years ago.

You can expect to see a one world government, Communist controlled, under the United Nations. You will see the United Nations run up the American flag, which, under the terms of the treaty, are bound to pay.

In a book by William Z. Foster, former head of the Communist Party, U.S.A., entitled "Toward Soviet America," he gives a complete blueprint of the conquest of America by the international Communist conspiracy. It is as clear as a blueprint as given by Adolf Hitler in "Mein Kampf." Following are some of the things you may look for under the controlled Communist America as stated by William Z. Foster:

The final aim of the Communist international is to overthrow world capitalism and replace it by world communism. . . . The Communist Party of the United States is the American section of the Communist International. The Communist International carries out a united revolutionary program on a world scale. . . . The American Soviet government will be organized along the broad lines of the Russian Soviet. . . . Under the dictatorship all the capitalist parties—Republican, Democratic, Progressive, Socialist, etc.—will be liquidated. . . . Likewise, will be dissolved all other organizations—including chambers of commerce, employers' associations, Rotary Clubs, American Legion, YMCA, and such fraternal orders as the Masons, Odd Fellows, Elks, Knights of Columbus, etc.—lawyers will be abolished. The press, the motion picture, the radio, the theater, will be taken over by the Government. . . . Studies will be reutilized, being changed of religious, patriotic and other features of the bourgeois ideology. . . . The decisions of the Soviets are enforced by the armed red guard. . . . Citizenship is restricted to those who do useful work, capitalists, landlords, clericals and other nonproducers being disfranchised. . . . In the so-called black belt of the South where the Negroes are in the majority, they will have the fullest right to govern themselves and also such white minorities as may live in this section. . . . Where the party elects its candidates to legislative bodies they make use of these public forums to bring forward the Communist program. . . . the trade unions are the great schools for communists. . . . We will not accept any war and every war is matter how murderous and profitable. . . . The American woman, the Russian sister, will scorn the whole of bourgeois sex hypocrisy and prudery.

Our Declaration of Independence concludes with these words:

And for the support of this Declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

This is a full and complete acknowledgment of divine guidance. Nowhere in the United Nations Charter or any of its subsidiaries do you find any reference to a Supreme Being. The Bible says:

Unless the Lord build an house, they labor in vain who build it.



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There is, indeed, evidence of the Lord's work in the United Nations.

I know that I will be accused of being irresponsible and fanatical, but I find myself in good company. The testimony of one of our greatest fighting men, General Clark, General Van Fleet, General Vandenberg, Admiral Joy, and Lieutenant General Almond, before the Joint Committee in 1954, is summed up in the words of General Vandenberg:

We were required to lose the Korean war.

Lord Beaverbrook, noted British publisher, said:

Here in New York City, you Americans have this paper fifth column in the world—the United Nations.

At this point, may I say, Mr. Speaker, that Alger Hiss recommended the first 600 employees for the United Nations.

Then, after that, the late Robert Taft said:

The U.N. has become a trap. Let's go it alone.

Herbert Hoover said:

Unless the U.N. is completely reorganized without the Communist Nations in it, we should get out of it.

Winston Churchill said:

Don't pay attention to the U.N.

Charles de Gaulle has warned the U.N. to stay out of Algeria.

Now, Mr. Speaker, let us look at the present management of the United Nations. Russia has been demanding a troika to supplant the U.N. Secretariat after the death of Hammarskjöld. The failure of Russia to secure this troika was hailed as a great victory for the West, but was it? U Thant of Burma, a self-styled Marxist, was chosen and he agreed to invite a limited number of U.N. member States to act as his principal advisers on important questions. So far he has indicated two: George P. Arkadov, a Communist from the Soviet Union, and Ralph Bunche of the United States. This was a Communist victory in that Russia now has its troika: one an avowed Marxist, the second a dedicated Communist, and the third with a Communist bias. A résumé of Dr. Bunche's record, prepared by Archibald B. Roosevelt, son of Theodore Roosevelt, includes this paragraph:

Dr. Bunche was part of the editorial apparatus of an annual Communist magazine, Science and Society, for over 4 years. He contributed to our production and added his name and prestige as a professor of Howard University even after the Communists in their publication, the Communist, openly stated that Science and Society magazine had as its function "to help Marxists moving students and intellectuals to come closer to Marx-Leninism, to bring Communism through into academic circles."

In a Senate probe by the Internal Security Subcommittee it was brought out that Dr. Bunche had repeatedly pressured persons in charge of U.N. employment to hire a notorious Communist agent. In spite of the fact that he was a derogatory figure in the eyes of the individual by a House of Representatives subcommittee.

Dr. Bunche was a high official in the Institute of Pacific Relations, an organiza-

tion investigated thoroughly by the Senate Internal Security Subcommittee and described as follows:

The effective leadership of the IPR used IPR practices to promote the interests of the Soviet Union in the United States.

The effect of this IPR was, in 1944, to force the Chinese Government to adopt reform measures and make concessions to the Chinese Communists which would pave the way for seizure by Soviet Russia.

The IPR leadership sought to bring into public discussion at a vital meeting internal conditions in China so that Chiang Kai-shek would be criticized for the internal situation in China.

Dr. Bunche is on record as supporting the position of the IPR leadership in this matter.

It is my considered opinion that Dr. Bunche must be considered a security risk for our country in any position which he may hold.

This "troika" arrangement, engineered by the Communists is frightening and devastating when you consider the United States of America has no foreign policy of its own except the United Nations.

Lincoln once said:

If destruction be our lot, we ourselves must be the author and finisher.

This is the Speaker. If this Republic is to remain our own, we must be the author and finisher of our own house.

#### OUR RECIPROCAL TRADE AGREEMENTS PROGRAM

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, one of the most important questions that will confront this Congress is the question in reference to our reciprocal trade agreements program. Shall we extend it? Shall we broaden it? Shall we discard it and give the President additional power to make trade treaties which is asked for?

This question has been presented pro and con in Nation's Business of January of this year.

The new majority whip has stated in his article that we should give the President extended powers. I have stated in my article that we should not, and that we should take back some of the constitutional powers given him in connection with reciprocal trade agreements.

Mr. Speaker, I urge all Members to read both sides of the question.

Mr. Speaker, I ask unanimous consent to include my article in the Record, and I hope that the new whip on the majority side will also include his article.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following article from Nation's Business of January 1962:

SENATE TO UNITE STATES ONLY A MYTH  
(By U.S. Representative NOAM M. MASON)

When the first extension of the Reciprocal Trade Agreements Act came to a vote in February 1937 I was 1 of 12 Members of the House who voted "No." I was my first important vote in Congress. I have never regretted that "no" vote.

In fact, I have voted "No" every time the act has been extended since then. Those first 12 "no" votes have gradually increased until today there are more than 500 votes in the House against further extension of the act.

The word "reciprocal" is a misnomer. It is anything but reciprocal. Our trade program has developed into a one-way street with the benefits all flowing one way—away from the United States. What has it accomplished?

The four reasons given for its enactment in the first place were that it would:

Advance world peace;  
Make for world prosperity;  
Bring about amity among the nations;  
Remove world trade barriers.  
Has it accomplished any one of these four objectives?

Has world peace been advanced? During the 27 years the act has been on the books we have had World War II. We have had the Korean war. We have had the so-called Spanish Civil War. We have had 14 years of war in Indochina. We have trouble between England and Egypt, between India and Pakistan. We have had Communist Russia extending her Iron Curtain until she now has control and domination over 900 million people instead of the 200 million people of the Soviet Union before the close of World War II. Can anyone truthfully say world peace has been advanced?

What about world prosperity, the second objective? Are we any nearer world prosperity today than we were in 1934 when the program was instituted?

To try to bring about world prosperity we have given away more than \$140 billion in the past 20 years—460 billion lend-lease during the war and \$80 billion since—to say nothing of the \$350 billion we have spent for national defense in the cold war.

Certainly our prosperity has not been advanced. We are more than \$264 billion in debt today, which is more than all the other nations of the world put together owe—and more than twice as much as all the nations of Europe put together owe.

What about the third objective? Is good will or amity among the nations any nearer today than it was before 1934?

Let us be specific: Has the relationship between India and Pakistan improved since 1934? Between Palestine and Arabia? Between Italy and Yugoslavia? Between Communist China and Nationalist China? Between the United States and Cuba? What about our relations with Russia? Are they improved?

What about internal dissensions and strife? Italy with her 36 percent Communist vote in the last election; France with a national legislature that is 35 percent Communist? What about England torn between her socialist Labor Party and her Conservative Party?

Have good will and amity among men been advanced by the Reciprocal Trade Agreements Act? My answer is: Not so anybody can notice it.

Finally, have world trade barriers been reduced or removed? Do we have a freer

flow of goods today across national borders than we had in 1934?

While world tariff walls have been lowered, other obstacles or barriers more effective than tariffs have been erected in their place—among them import and export licenses, trade preferences, currency manipulations, multiple currencies, quotas, subsidies, state trading, and the European Common Market freeport.

It is a fact, and we must face it, that, under the Reciprocal Trade Agreements Act, practically every foreign country that has lowered its tariff walls has erected other barriers against U.S. imports, thereby nullifying the effect of their tariff concessions or reductions.

In the face of these facts—can anyone say our 27 years of experience under our so-called Reciprocal Trade Agreements Act has been a success from the standpoint of its effect upon our American economy? Has it been a benefit to American workers? The answer to both questions is "No."

In addition to the advantages we have given foreign nations under our Reciprocal Trade Agreements Act, during the past 18 years we have poured out to war-torn foreign nations some \$78 billion to rebuild their factories; to replace their war-torn or war-damaged machinery with our modern machinery—thus creating competitors for us in both foreign markets and in our own American market.

So, today we face the question: Is the United States being pined out of the world markets? It certainly begins to look that way. One thing is absolutely certain: The United States is facing increased competition in world markets.

Today, for the first time in our history, we have an unfavorable international payments balance. In 1958, our unfavorable world payments balance was \$3.4 billion. In 1959, it was \$3.7 billion. In 1960, it was \$5.2 billion. What it was in 1961 we do not know exactly yet. But we do know that no nation on earth can run a deficit in its international balance of payments of this magnitude very long without going on the rocks.

Our Reciprocal Trade Agreements Act gave the President the power to regulate foreign trade. In effect, this put the State Department—an arm of the Executive—in control of American industry.

Under the guise of seeking allies and friends in an unfriendly world, the State Department has issued what may be termed death sentences to hundreds of American industries and destroyed millions of American jobs.

Consider these effects on American industries already dealt body blows by the tremendous imports flooding our markets today:

1. The American jeweled watch industry has been practically closed out as a result of our tariff reductions since 1934. We formerly had 30 jeweled watch companies in the United States; now we have only a handful. More than 90 percent of the American market for jeweled watches has been taken over by Swiss watch manufacturers.

2. Lowered tariffs in the fresh and frozen fish industry have resulted in such large fish imports at such cheap rates that American fishermen are unable to compete. Some of our largest fish processing plants have moved to other countries where wage rates are lower.

3. Widespread unemployment is now prevalent in our industries that make chinaware, pottery, glassware, and kitchen articles. All industries classified as handicrafts are affected, industries that depend largely upon hand skills. This is the direct result of

tariff reductions.

4. Thousands are today out of greatly increased unemployment. Reducing the part-time of processing.

5. An ever increasing number of American products are being sold in Britain, in areas. The reduced unemployment Act, system has

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ADMINISTRATIVE AND FUNDING AUTHORITY  
ADMINISTRATION OF NUCLEAR  
PRODUCTION PROGRAMS.

**SEC. 311. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION.**

(a) Findings.—The Congress finds—  
(1) that Soviet President Khrushchev has requested Western help in dismantling nuclear weapons and that the Soviet Union has proposed a unilateral, one-way operation on the Soviet side to reduce its nuclear stockpile;  
(2) that the profound changes underway in the Soviet Union pose three types of danger to nuclear safety and stability, as follows: (A) ultimate disposition of nuclear weapons and the Soviet Union, its republics, and any successor entities that is not conducive to weapons safety or international stability; (B) seizure, theft, or use of nuclear weapons or components; and (C) transfers of weapons, weapon components, or weapons know-how outside of the territory of the Soviet Union, its republics, and any successor entities that contribute to worldwide proliferation; and  
(3) that it is in the national security interests of the United States (A) to have as a priority basis the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics, and any successor entities, and (B) to assist in the prevention of weapons proliferation.  
(b) Executive.—United States assistance in destroying nuclear and other weapons under this title may not be provided to the Soviet Union, any of its republics, or any successor entity unless the President certifies to the Congress that the proposed recipient is committed to—  
(1) making a substantial investment of its resources for dismantling or destroying such weapons;  
(2) providing a substantial investment of its resources for the legitimate defense requirements and disposal of its nuclear weapons;  
(3) foregoing any use of nuclear or other components of nuclear weapons in any nuclear war;  
(4) facilitating United States verification of weapons destruction under section 312;  
(5) complying with relevant arms control agreements; and  
(6) observing international recognized human rights, including the protection of minorities.

**SEC. 312. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.**

(a) In General.—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 311, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.  
(b) Type of Program.—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) destroy, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

(1) President's Authority.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal year 1993 for operations and maintenance or from balances in working capital accounts established under section 3304 of title 10, United States Code, any amounts that may be necessary to carry out the program.

(2) Limitation.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense determines essential for the readiness of the Armed Forces, including amounts for—  
(A) training activities; and  
(B) depot maintenance activities.

(3) Department of Defense.—The Department of Defense shall serve as the executive agent for any program established under part B.

(4) Reimbursement of Other Agencies.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

(5) Charges Against Funds.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (b) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

(6) Determination by Director or OMB.—No amount may be obligated for the program under part B unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be pointed against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 251(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 646(a)(3))) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1990 (2 U.S.C. 900 et seq.).

**SEC. 313. ASSISTANCE ARRANGEMENTS.**

(a) Reimbursement Arrangements.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.  
(b) Natural Resources, Etc.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

**SEC. 323. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.**

"It is the sense of the Senate that the committee of conference on House Joint Resolution 181 (enacted into law as Pub. L. 102-319) should consider providing

the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

**PART B—REPORTING REQUIREMENTS**

**SEC. 331. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.**

"Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and  
(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.

**SEC. 332. QUARTERLY REPORTS ON PROGRAM.**

"Not later than 90 days after the end of each quarter of fiscal years 1993 and 1995, the President shall transmit to the Congress a report on the activities to reduce the Soviet military threat carried out under part B. Each such report shall set forth, for the preceding quarter and cumulatively, the following:

(1) Amounts spent for such activities and the purposes for which they were spent.  
(2) The source of the funds obligated for such activities, stated specifically by program.  
(3) A description of the participation of the Department of Defense, and the participation of any other United States Government department or agency, in such activities.  
(4) A description of the activities carried out under part B and the forms of assistance provided under part B.  
(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the program under part B."

**REPORT ON FULFILLMENT OF PRIMARY FUNCTIONS**

Pub. L. 102-250, title IV, § 401(c), Dec. 12, 1991, 104 Stat. 1699, provided that: "Not later than December 15, 1992, the Inspector General of the Arms Control and Disarmament Agency (who serves also as the Inspector General of the Department of State) shall submit to the President, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate a report with regard to the Agency's fulfillment of the primary functions described in section 2 of the Arms Control and Disarmament Act (28 U.S.C. 3551). Such report shall address the current ability and performance of the Agency in carrying out those functions and shall provide detailed recommendations for any changes in executive branch organization and direction needed to fulfill these primary functions. Within 60 days after submission of this report, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate comments on any recommendations contained in the report dealing with executive branch organization and direction."

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 3596a of this title.

**SUBCHAPTER II—ORGANIZATION**

§ 1642. Director of Agency; appointment; powers and duties.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 3596a of this title.

§ 1643. Deputy Director of Agency; appointment; powers and duties.

A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.

(As amended Pub. L. 101-216, title 1, § 102, Dec. 11, 1989, 103 Stat. 1853.)

**AMENDMENTS**

1989—Pub. L. 101-216 amended second sentence generally. Prior to amendment, second sentence read as follows: "The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe."

§ 1646. Bureaus, offices and divisions of Agency.

**ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION**

Pub. L. 101-216, title 1, § 104, Dec. 11, 1989, 103 Stat. 1861, provided that: "The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

(1) managing the implementation of existing and future arms control agreements;  
(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and  
(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions."

Special Representatives for Arms Control and Disarmament Negotiations; appointment; powers and duties.

The President may appoint, by and with the advice and consent of the Senate, two Special Representatives for Arms Control and Disarmament Negotiations, one of whom shall serve as a special representative for conventional arms control negotiations, and the other shall serve as a special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State acting through the Director.

(As amended Pub. L. 101-216, title 1, § 103(a), Dec. 11, 1989, 103 Stat. 1853.)

**AMENDMENTS**

1989—Pub. L. 101-216 substituted "one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to

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member 1 of each following year, the President shall submit to the Congress a report (a) both classified and unclassified versions) containing, with respect to the compliance of the Soviet Union with its arms control commitments, the findings of the President and any additional information necessary to keep the Congress currently informed.

#### § 2595a. Findings

The Congress finds that—

(1) under this chapter, the United States Arms Control and Disarmament Agency is charged with the "formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security";

(2) as defined in this chapter, the terms "arms control," "disarmament," "verification," "identification," "inspection," "limitation," "control," "reduction," "elimination," "of armed forces and weapons of all kinds under international agreement to establish an effective system of international control";

(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

(4) on-site inspection activities under the INF Treaty include—

(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic;

(B) escort duties for Soviet teams visiting the United States and the Eastern Countries;

(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union; and

(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

(5) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (4), including the monitoring of nuclear tests pursuant to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the monitoring of the inspection provisions of such additional arms control agreements as the President may direct;

(6) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

(7) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

(Pub. L. 87-297, title V, § 61, as added Pub. L. 101-316, title II, § 301, Dec. 11, 1988, 103 Stat. 1888, and amended Pub. L. 103-228, title IV, § 402(a)(1), Dec. 12, 1991, 105 Stat. 1699.)

#### AMENDMENTS

1991—Par. (6) to (7). Pub. L. 103-228 added par. (6) and redesignated former pars. (6) and (7) as (6) and (7), respectively.

UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

PUB. L. 101-189, div. A, title X, § 1914, Nov. 29, 1989, 103 Stat. 1547, provided that:

(a) FINDINGS CONCERNING ON-SITE INSPECTION PROGRAM.—Congress makes the following findings:

(1) The United States is currently engaged in multilateral arms control negotiations to achieve treaty arrangements to reduce or eliminate various types of military weapons and to maintain "restraint" in military personnel, arms, and conventional weapons. (A) In conducting its activities, the On-Site Inspection Agency monitors nuclear testing and (C) the complete elimination of chemical weapons.

(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated and are currently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 3,500 (compared to 120 for the INF Treaty).

(5) The On-Site Inspection Agency is likely to be required to conduct on-site inspections of the Soviet Union.

(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which the President (a) has designated as the United States responsible inspection personnel of the INF Treaty.

(b) STATUS OF THE OSIA.—(1) Congress finds that: (A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transport).

tion for inspections in the Soviet Union and Eastern Europe; and

(2) the facilities in Europe and the United States at which OSIA personnel meet personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or under the jurisdiction of entities that are contractors with the Department of Defense).

(3) In light of the findings in paragraph (1) and the report submitted pursuant to section 906 of Public Law 100-458 (div. A, title IX, Sept. 29, 1988, 102 Stat. 2038) entitled "Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty" (submitted on July 17, 1988), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of administrative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing organizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

(4) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

(5) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

(6) INF Treaty.—For purposes of this section, the term "INF Treaty" means the Treaty Between the United States of America and the Soviet Union on the Elimination of Their Intermediate-Range and Short-Range Missiles, signed in Washington, DC, on December 8, 1987.

§ 2595a. Policy coordination concerning implementation of on-site inspection provisions

(a) Interagency coordination

OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

(b) Rule of Secretary of Defense

The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) of this section and operational direction, consistent with section 113(b) of title 10.

(c) Rule of Director

The Director should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(d), 2562, and 2574(c) of this title.

(Pub. L. 87-297, title V, § 62, as added Pub. L. 101-316, title II, § 301, Dec. 11, 1988, 103 Stat. 1888.)

§ 2595b. Authorizations of appropriations for On-Site Inspection Agency

There are authorized to be appropriated \$49,830,000 for fiscal year 1990 and \$48,831,000

for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

(Pub. L. 87-297, title V, § 63, as added Pub. L. 101-316, title II, § 301, Dec. 11, 1988, 103 Stat. 1888.)

§ 2595b-1. Improving congressional oversight of on-site inspection activities

(a) Report from President

Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the House of Representatives and Senate. The report shall include a review of—

(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

(2) the missions and tasks assigned to OSIA to date;

(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

(4) the budgetary history of OSIA; and

(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.

(b) Review of certain reprogramming notifications

Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees.

(Pub. L. 87-297, title V, § 64, as added Pub. L. 103-228, title IV, § 402(b)(2), Dec. 12, 1991, 105 Stat. 1699.)

#### Prior Provisions

A prior section 84 of Pub. L. 87-297 was renumbered section 65 by section 402(b)(1) of Pub. L. 103-228 and is classified to section 2595c of this title.

#### § 2595b. Definitions

As used in this subsection—

(1) the term "INF Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Short-Range Missiles (signed at Washington, December 8, 1987);

(2) the term "On-Site Inspection Agency" means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty;

(3) the term "Peaceful Nuclear Explosions Treaty" means the Treaty Between the United States of America and the Union of



Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 26, 1976); and

(4) the term "Threshold Test Ban Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).

(Pub. L. 87-297, title V, § 65, formerly § 64, as added Pub. L. 101-219, title II, § 201, Dec. 11, 1989, 103 Stat. 1856; renumbered § 65 and amended Pub. L. 102-228, title IV, § 402(a)(2), (b)(1), Dec. 12, 1991, 105 Stat. 1699.)

#### AMENDMENTS

1991—Pars. (3), (4), Pub. L. 102-228, § 402(a)(2), added pars. (3) and (4).

### CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2375, 2318 of this title.

§ 2604. Audits of U.S. funds received by the United Nations High Commissioner for Refugees

#### (a) Program audits

Funds may not be available to the United Nations High Commissioner for Refugees (UNHCR) under this chapter or any other Act unless provision is made for—

- (1) annual program audits to determine the use of UNHCR funds, including the use of such funds by implementing partners; and
- (2) such audits are made available through the Department of State for inspection by the Comptroller General of the United States.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-246, title VII, § 701, Feb. 16, 1990, 104 Stat. 74.)

#### AMENDMENTS

1990—Subsec. (a) Pub. L. 101-246 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Funds may not be made available to the United Nations High Commissioner for Refugees under this chapter or any other Act unless by June 1, 1988, the High Commissioner provides for—"

- (1) annual program audits by an independent consultant, as selected by the Executive Committee of the United Nations High Commissioner for Refugees, to determine the use of such funds, including audits of the use of such funds by private and voluntary organizations; and
- (2) such audits to be made available through the Executive Committee to the Department of State and for inspection by the Comptroller General of the United States."

### CHAPTER 38—DEPARTMENT OF STATE

Sec.

2657b. Assistant Secretary of State for South Asian Affairs.

- (a) Establishment of position.
- (b) Appointment.
- (c) Responsibilities.

Sec.

2658a. Report on terrorist assets in United States.  
(a) Reports to Congress.  
(b) Definitions.

2658b. International credit reports.  
(a) Report on loan criteria.  
(b) Reports on loans.

2658c. Foreign Service fellowships.  
Reducing in number if appropriations are less than authorizations.

2679b. Prohibition against fraudulent use of "Made in America" labels.  
2680-1. Deadline for responses to questions from congressional committees.  
(a) In general.  
(b) Specified committees.

2688a. Appointment of Special Coordinator for water policy negotiations and water resources policy.  
(a) Designation.  
(b) Other responsibilities.

2691. Repealed.

2715. Procedures regarding major disasters and incidents abroad affecting United States citizens.

2716. Debt collection.

(a) Contract authority.  
(b) Disclosure of delinquent debt to credit reporting agencies.

2717. Defense trade controls registration fees.  
(a) Defense trade controls registration fees.

2718. Budget Act compliance.  
(a) Use of fees.

2719. Grants for training and education in international affairs.

2720. Closing of consular and diplomatic posts abroad.

(a) Prohibited uses of funds.  
(b) Post closing notification.  
(c) Reprogramming treatment.  
(d) Exceptions.  
(e) "Consular or diplomatic post" defined.

2721. Impermissible basis for denial of passports.

2722. International meetings.  
(a) Authority to pay expenses.  
(b) Retention of reimbursements.

2723. Denial of visas.  
(a) Report to Congress.  
(b) Limitation.  
(c) Appropriate committees.

#### § 2651. Establishment of Department

#### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-138, § 1, Oct. 28, 1991, 105 Stat. 647, provided that: "This Act (enacting sections 269, 276c-4, 276f, 276m, 298a, 1478b, 1478b, 2075, 2052b, 2658a, 2658b, 2679b, 2680-1, 2688a, 2720, 2721, 2722, 2723, 2794, 2812a, 4381 to 4387, and 5001 to 5009 of this title and section 2410c of the Appendix to Title 50, War and National Defense, amending sections 2774-3, 290f, 294, 301, 1488a, 1471, 1474, 1477c, 1936a, 2669, 2679, 2685, 2698, 2703, 2706, 2717, 2718, 2780, 2797b, 2797a, 2877, 2905, 3005, 3943, 3961, 3968, 4010, 4053, 4061, 4115, 4131, 4134, 4136, 4137, 4139, 4140, 4413, and 4883 of this title, sections 202 and 208 of Title 3, The President, sections 5315, 5522, 5551, 5922, 5923, and 5924 of Title 5, Government Organization and Employees, section 2091 of Title 19, Customs Duties, and section 2406 of the Appendix to Title 50, repealing section 4809 of this title and former sections 269 and 2078 of this title, enacting provisions set out as notes under sections 287c, 290f, 1478a, 2493, 2651, 2776, 4001, 4115, 4381,

4354, 4356, and 5001 of this title, sections 209 and 208 of Title 3, sections 5315, 5551, and 5924 of Title 5, and section 1187 of Title 8, Aliens and Nationality, amending provisions set out as notes under sections 287c, 2669 and 4021 of this title and section 5861 of Title 5, and repealing provisions set out as notes under sections 287c, 1481, 2681, 2686, and 4010 of this title) may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993."

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-246, § 1(a), Feb. 16, 1990, 104 Stat. 10, provided that: "This Act (enacting sections 1464a, 1464b, 1468a to 1468f, 1478f, 2414a, 2461, 2608a, 2679, 2715 to 2719, 2877a, 4027, 4141, 4141a to 4141c, 4883, and 4884 of this title, amending sections 277a, 277b, 277d-12, 290f, 300, 1461, 1468a, 1469, 1474, 1478a, 2458, 2460, 2604, 2658f, 2669, 2684, 2699, 2703, 2706, 2709, 2871, 2877, 2905, 2948, 4002, 4010, 4084, 4057, 4089a to 4089c, 4081, 4203, 4204, 4403, 4801, 4802, and 4883 of this title, sections 8348 and 9101 of Title 5, Government Organization and Employees, and section 1101 and 1187 of Title 8, Aliens and Nationality, repealing section 4189 of this title, enacting provisions set out as notes under sections 287c, 1461, 1462, 1468a, 1468c, 1469, 2161, 2458, 2460, 2601, 2669, 2715, 2941, 3968, 4001, 4140, 4171, 4201, and 4883 of this title, sections 5921 and 5926 of Title 5, and section 1102 of Title 8, amending provisions set out as notes under sections 287, 2181, 2681, and 4881 of this title and section 1187 of Title 8, and repealing provisions set out as notes under sections 2414a and 2686 of this title) may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1990 and 1991."

#### SHORT TITLE OF 1984 AMENDMENT

Act Aug. 1, 1984, ch. 841, § 1 (part), as added by Pub. L. 102-138, title I, § 111(2), Oct. 28, 1991, 105 Stat. 654, provided: "That this Act (enacting sections 2693, 2699 to 2673, 2672 to 2680a, 2684, 2687 to 2692, 2695 to 2723, 4301 to 4316, 4341 to 4343, and 4361 to 4367 of this title) may be cited as the 'State Department Basic Authorities Act of 1984'."

Act Aug. 1, 1984, ch. 841, title I, § 48, formerly § 23, as added Oct. 17, 1980, Pub. L. 96-485, title II, § 2201(a), 94 Stat. 2157, and renumbered § 16 and redesignated title I, Aug. 24, 1992, Pub. L. 97-241, title I, § 1117, title II, § 2079(a), 99 Stat. 279, 282; renumbered § 16 and § 138, Nov. 22, 1993, Pub. L. 98-164, title I, § 1173, 124, 97 Stat. 1038, renumbered § 27, Oct. 19, 1984, Pub. L. 98-532, title I, § 103, 98 Stat. 2708, renumbered § 38 and § 39, Aug. 16, 1988, Pub. L. 98-93, title I, § 125(a), 128, 99 Stat. 415, 419; renumbered § 40 and § 41, Aug. 27, 1988, Pub. L. 98-599, title V, § 504(1), 506(1), 100 Stat. 871; renumbered § 43, Dec. 23, 1987, Pub. L. 100-304, title I, § 126(a)(1), 101 Stat. 1341; renumbered § 43, Nov. 18, 1988, Pub. L. 100-690, title IV, § 4803(1), 102 Stat. 4267; renumbered § 44, § 46, § 47, and § 48, Feb. 16, 1990, Pub. L. 101-246, title I, § 1119(c)(1), 117(1), 118(1), 119(1), 120(1), 104 Stat. 22, 25, 26, 48, which provided that act Aug. 1, 1984, ch. 841, was to be cited as the "State Department Basic Authorities Act of 1984", was repealed by Pub. L. 102-138, title I, § 111(1), Oct. 28, 1991, 105 Stat. 684.

#### COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

Pub. L. 101-246, title XI, § 1101, Feb. 16, 1990, 104 Stat. 90, provided that:

- (a) LIMITATION ON SPENDING AUTHORITY.—Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 (2 U.S.C. 651)) which is provided under this Act (see Short Title of 1990 Amendment note above) shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance in appropriation Acts.
- (b) LIMITATION ON CONTRACT AUTHORITY.—Any authority provided by this Act to enter into contracts shall be effective only—

"(1) to the extent that the budget authority for the obligation to make outlays, which is created by

the contract, has been provided in advance by an appropriation Act, or

"(2) to the extent or in such amounts as are provided in advance in appropriation Acts."

§ 2652. Deputy Secretary of State Under Secretary of State for Political Affairs Under Secretary of State for Economic and Agricultural Affairs Under Secretary of State for Management Assistant Secretary of State

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2655a, 2662b, 2683a of this title.

§ 2657b. Assistant Secretary of State for South Asian Affairs

#### (a) Establishment of position

There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under section 2652 of this title.

#### (b) Appointment

The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

#### (c) Responsibilities

The Assistant Secretary shall have responsibility within the Department of State with respect to India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

#### (d) Omitted

#### (e) Implementation

In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

(Pub. L. 102-138, title I, § 122, Oct. 28, 1991, 105 Stat. 658.)

#### COMPLICATION

Section is comprised of section 122 of Pub. L. 102-138. Subsec. (d) of section 122 of Pub. L. 102-138 amended section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5315 of Title 5.

#### § 2656. Management of foreign affairs

BROADENING CULTURAL, GEOGRAPHIC, AND ETHNIC REPRESENTATION OF FOREIGN SERVICE AND DEPARTMENT OF STATE PLAN

Pub. L. 101-246, title I, § 153(a), (b), Feb. 16, 1990, 104 Stat. 49, as amended by Pub. L. 101-302, title III, § 220(a)(2), May 22, 1990, 104 Stat. 247, provided that:

"(a) PURPOSE.—The Congress finds that a primary role of the Department of State is to represent the interests of the American people in foreign affairs and, as such, should strive to represent and include, among its policy and professional employees, the great diversity of the American people.

"(b) RECRUITMENT.—(1) Not later than 120 days after the date of enactment of this Act (Feb. 16, 1990), the Secretary of State shall provide the Congress with a plan to ensure that equal efforts are undertaken in each of the regions of the United States to recruit policy and professional Government Service employees and Foreign Service officers for the Department of State and each of its affiliated agencies.

24 USC 6455  
note.(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

Approved December 11, 1991.

United States Col  
(U.S.C.) Congressional  
+ Administrative  
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**LEGISLATIVE HISTORY—H.R. 3909 (S. 2042):**

HOUSE REPORTS: No. 102-577 (Comm. on Ways and Means).  
CONGRESSIONAL RECORD, Vol. 137 (1991):  
Nov. 28, considered and passed House.  
Nov. 27, considered and passed Senate.

105 STAT. 1690

**PUBLIC LAW 102-227 (H.R. 3909) December 12, 1991****CONVENTIONAL FORCES IN EUROPE TREATY  
IMPLEMENTATION ACT OF 1991**

For Signing Statement of Act, see p. 1360.

An Act to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armaments in Europe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Conventional Forces in Europe Treaty Implementation Act of 1991".

**SEC. 2. AUTHORITY TO TRANSFER CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS.**

The Arms Export Control Act is amended by adding at the end the following:

**"CHAPTER 9—TRANSFER OF CERTAIN CFE  
TREATY-LIMITED EQUIPMENT TO NATO MEMBERS****"SEC. 91. PURPOSE.**

"The purpose of this chapter is to authorize the President to support, consistent with the CFE Treaty, a NATO equipment transfer program that will—

- "(1) enhance NATO's forces,
- "(2) increase NATO standardization and interoperability, and
- "(3) better distribute defense burdens within the NATO alliance.

**"SEC. 92. CFE TREATY OBLIGATIONS.**

"The authorities provided in this chapter shall be exercised consistent with the obligations incurred by the United States in connection with the CFE Treaty.

**"SEC. 93. AUTHORITIES.**

"(a) **GENERAL AUTHORITY.**—The President may transfer to any NATO/CFE country, in accordance with NATO plans, defense articles—

"(1) that are battle tanks, armored combat vehicles, or artillery included within the CFE Treaty's definition of 'conventional armaments and equipment limited by the Treaty';

"(2) that were, as of the date of signature of the CFE Treaty, in the stocks of the Department of Defense and located in the CFE Treaty's area of application; and

"(3) that the President determines are not needed by United States military forces within the CFE Treaty's area of application.

Conventional  
Forces  
in Europe  
Treaty  
Implementation  
Act of 1991.

22 USC 2751.

22 USC 2799.

22 USC 2799a.

22 USC 2799b.

105 STAT. 1691

"(b) ACCEPTANCE OF NATO ASSISTANCE IN ELIMINATING DIRECT COSTS OF TRANSFERS.—In order to eliminate direct costs of facilitating transfers of defense articles under subsection (a), the United States may utilize services provided by NATO or any NATO/CFE country, including inspection, repair, or transportation services with respect to defense articles so transferred.

"(c) ACCEPTANCE OF NATO ASSISTANCE IN MEETING CERTAIN UNITED STATES OBLIGATIONS.—In order to facilitate compliance with the CFE Treaty, the United States may utilize services or funds provided by NATO or any NATO/CFE country.

"(d) AUTHORITY TO TRANSFER ON A GRANT BASIS.—Defense articles may be transferred under subsection (a) without cost to the recipient country.

"(e) THIRD COUNTRY TRANSFERS RESTRICTIONS.—For purposes of sections 3(a)(2), 3(a)(3), 3(c), and 3(d) of this Act, defense articles transferred under subsection (a) of this section shall be deemed to have been sold under this Act.

"(f) MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.—The President shall ensure that transfers by the United States under subsection (a), taken together with transfers by other NATO/CFE countries in implementing the CFE Treaty, are of such valuations so as to be consistent with the United States policy, embodied in section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(g) EXPIRATION OF AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority of subsection (a) expires at the end of the 40-month period beginning on the date on which the CFE Treaty enters into force.

"(2) TRANSITION RULE.—Paragraph (1) does not apply with respect to a transfer of defense articles for which notification under section 94(a) is submitted before the end of the period described in that paragraph.

22 USC 2790c.

SEC. 94. NOTIFICATIONS AND REPORTS TO CONGRESS.

"(a) NOTIFICATIONS.—Not less than 15 days before transferring any defense articles pursuant to section 93(a), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act of 1961.

"(b) ANNUAL REPORTS.—Not later than February 1 each year, the President shall submit to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that—

"(1) lists all transfers made to each recipient NATO/CFE country by the United States under section 93(a) during the preceding calendar year;

"(2) describes how those transfers further the purposes described in paragraphs (1) through (3) of section 91; and

"(3) lists, on a country-by-country basis, all transfers to another country of conventional armaments and equipment limited by the CFE Treaty—

"(A) by each NATO/CFE country (other than the United States) in implementing the CFE Treaty; and

"(B) by each Warsaw Pact country in implementing the CFE Treaty.

SEC. 95. DEFINITIONS.

22 USC 2799d.

"As used in this chapter—

"the term 'CFE Treaty' means the Treaty on Conventional Armed Forces in Europe (signed at Paris, November 19, 1990);

"the term 'conventional armaments and equipment limited by the CFE Treaty' has the same meaning as the term 'conventional armaments and equipment limited by the Treaty' does under paragraph 1(j) of article II of the CFE Treaty;

"the term 'NATO' means the North Atlantic Treaty Organization;

"the term 'NATO/CFE country' means a member country of NATO that is a party to the CFE Treaty and is listed in paragraph 1(A) of article II of the CFE Treaty within the group of States Parties that signed or acceded to the Treaty of Brussels of 1948 or the Treaty of Washington of 1949 (the North Atlantic Treaty); and

"the term 'Warsaw Pact country' means a country that is listed in paragraph 1(A) of article II of the CFE Treaty within the group of States Parties that signed the Treaty of Warsaw of 1955."

TITLE II—SOVIET WEAPONS DESTRUCTION

PART A—SHORT TITLE

SEC. 101. SHORT TITLE.

This title may be cited as the "Soviet Nuclear Threat Reduction Act of 1991".

PART B—FINDINGS AND PROGRAM AUTHORITY

SEC. 111. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION.

(a) FINDINGS.—The Congress finds—

(1) that Soviet President Gorbachev has requested Western help in dismantling nuclear weapons, and President Bush has proposed United States cooperation on the storage, transfer, and dismantling and destruction of Soviet nuclear weapons;

(2) that the profound changes underway in the Soviet Union pose three types of danger to nuclear safety and stability, as follows: (A) ultimate disposition of nuclear weapons among the Soviet Union, its republics, and any successor entities that is not conducive to weapons safety or to international stability; (B) seizure, theft, sale, or use of nuclear weapons or components; and (C) transfers of weapons, weapons components, or weapons know-how outside of the territory of the Soviet Union, its republics, and any successor entities, that contribute to worldwide proliferation; and

(3) that it is in the national security interests of the United States (A) to facilitate on a priority basis the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics, and any successor

Soviet Nuclear  
Threat  
Reduction  
Act of 1991.

22 USC 2551  
note



- entitles, and (B) to assist in the prevention of weapons proliferation.
- (b) **EXCLUSIONS.**—United States assistance in destroying nuclear and other weapons under this title may not be provided to the Soviet Union, any of its republics, or any successor entity unless the President certifies to the Congress that the proposed recipient is committed to—
- (1) making a substantial investment of its resources for dismantling or destroying such weapons;
  - (2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;
  - (3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;
  - (4) facilitating United States verification of weapons destruction carried out under section 212;
  - (5) complying with all relevant arms control agreements; and
  - (6) observing internationally recognized human rights, including the protection of minorities.

**SEC. 212. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.**

- (a) **IN GENERAL.**—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 211, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.
- (b) **TYPE OF PROGRAM.**—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) ~~destroy nuclear weapons, chemical weapons, and other weapons~~, (2) ~~transport, store, disable, and safeguard weapons in connection with their destruction~~, and (3) ~~establish verifiable safeguards against the proliferation of such weapons~~. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

**PART C—ADMINISTRATIVE AND FUNDING  
AUTHORITIES**

**SEC. 221. ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.**

- (a) **FUNDING.**—
- (1) **TRANSFER AUTHORITY.**—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal year 1992 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed \$400,000,000 for use in reducing the Soviet military threat under part B.
  - (2) **LIMITATION.**—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense

determines essential for the readiness of the Armed Forces, including amounts for—

- (A) training activities; and
- (B) depot maintenance activities.

(b) **DEPARTMENT OF DEFENSE.**—The Department of Defense shall serve as the executive agent for any program established under part B.

(c) **REIMBURSEMENT OF OTHER AGENCIES.**—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

(d) **CHARGES AGAINST FUNDS.**—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

(e) **DETERMINATION BY DIRECTOR OF OMB.**—No amount may be obligated for the program under part B unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1992 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 222. REPAYMENT ARRANGEMENTS.**

(a) **REIMBURSEMENT ARRANGEMENTS.**—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

(b) **NATURAL RESOURCES, ETC.**—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

**SEC. 223. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.**

It is the sense of the Senate that the committee of conference on House Joint Resolution 167 should consider providing the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

## PART D—REPORTING REQUIREMENTS

### SEC. 231. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

- (1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and
- (2) the activities and forms of assistance under part B for which the President plans to obligate such funds.

### SEC. 232. QUARTERLY REPORTS ON PROGRAM.

Not later than 30 days after the end of each quarter of fiscal years 1992 and 1993, the President shall transmit to the Congress a report on the activities to reduce the Soviet military threat carried out under part B. Each such report shall set forth, for the preceding quarter and cumulatively, the following:

- (1) Amounts spent for such activities and the purposes for which they were spent.
- (2) The source of the funds obligated for such activities, stated specifically by program.
- (3) A description of the participation of the Department of Defense, and the participation of any other United States Government department or agency, in such activities.
- (4) A description of the activities carried out under part B and the forms of assistance provided under part B.
- (5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the program under part B.

## TITLE III—EMERGENCY AIRLIFT AND OTHER SUPPORT

### SEC. 301. AUTHORITY TO TRANSFER CERTAIN FUNDS TO PROVIDE EMERGENCY AIRLIFT AND OTHER SUPPORT.

#### (a) FINDINGS.—The Congress finds—

- (1) that political and economic conditions within the Soviet Union and its republics are unstable and are likely to remain so for the foreseeable future;
- (2) that these conditions could lead to the return of antidemocratic forces in the Soviet Union;
- (3) that one of the most effective means of preventing such a situation is likely to be the immediate provision of humanitarian assistance; and
- (4) that should this need arise, the United States should have funds readily available to provide for the transport of such assistance to the Soviet Union, its republics, and any successor entities.

#### (b) AUTHORITY TO TRANSFER CERTAIN FUNDS.—

- (1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense, at the direction of the President, may during fiscal year 1992, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts sufficient funds, not to exceed \$100,000,000, from funds described in paragraph (3) in order to transport, by military or commercial means, food, medical supplies, and other types of

humanitarian assistance to the Soviet Union, its republics, or any successor entities—with the consent of the relevant republic government or independent successor entity—in order to address emergency conditions which may arise in such republic or successor entity, as determined by the President. As used in this subsection, the term "humanitarian assistance" does not include construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dumptrucks, generators, and compressors.

(2) REPORTS BY THE SECRETARY OF STATE.—The Secretary of State shall promptly report to the President regarding any emergency conditions which may require such humanitarian assistance. The Secretary's report shall include an estimate of the extent of need for such assistance, discuss whether the consent of the relevant republic government or independent successor entity has been given for the delivery of such assistance, describe steps other nations and organizations are prepared to take in response to an emergency, and discuss the foreign policy implications, if any, of providing such assistance.

(3) SOURCE OF FUNDS.—Any funds which are transferred pursuant to this subsection shall be drawn from amounts appropriated to the Department of Defense for fiscal year 1992 or from balances in working capital accounts established under section 2208 of title 10, United States Code.

(4) EMERGENCY REQUIREMENTS.—The Congress designates all funds transferred pursuant to this section as "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. Notwithstanding any other provision of law, funds shall be available for transfer pursuant to this section only if, not later than the date of enactment of the appropriations Act or joint resolution that makes funds available for transfer pursuant to this section, the President, in a single designation, designates the entire amount of funds made available for such transfer by that appropriations Act or joint resolution to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### (c) REPAYMENT ARRANGEMENTS.—

(1) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under subsection (b) to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

(2) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this subsection that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

(d) **DIRTY EMERGENCY SUPPLEMENTAL APPROPRIATIONS.**—It is the sense of the Senate that the committee of conference on House Joint Resolution 157 should consider providing the necessary authority in the conference agreement for the Secretary of Defense to transfer funds pursuant to this title.

**SEC. 302. REPORTING REQUIREMENTS.**

(a) **PRIOR NOTICE.**—Before any funds are transferred for the purposes authorized in section 301(b), the President shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives of the account, budget activity, and particular program or programs from which the transfer is planned to be made and the amount of the transfer.

(b) **REPORTS TO THE CONGRESS.**—Within ten days after directing the Secretary of Defense to transfer funds pursuant to section 301(b), the President shall provide a report to the Committees on Armed Services of the Senate and House of Representatives, the Committees on Appropriations of the Senate and House of Representatives, and the Committee on Foreign Relations of the House of Representatives. This report shall at a minimum, set forth—

- (1) the amount of funds transferred under this title, including the source of such funds;
- (2) the conditions which prompted the use of this authority;
- (3) the form and number of lift assets planned to be used to deliver assistance pursuant to this title;
- (4) the types and purpose of the cargo planned to be delivered pursuant to this title; and
- (5) the locations, organizations, and political institutions to which assistance is planned to be delivered pursuant to this title.

**TITLE IV—ARMS CONTROL AND DISARMAMENT ACT**

**SEC. 401. ARMS CONTROL AND DISARMAMENT AGENCY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended—

- (1) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(2) in paragraph (1) as so redesignated, by striking out “\$25,000,000 for the fiscal year 1990 and \$37,310,000 for the fiscal year 1991” and inserting in lieu thereof “\$44,527,000 for fiscal year 1992 and \$45,853,510 for fiscal year 1993”; and

- (3) in paragraph (2) as so redesignated, by striking out “fiscal years 1990 and 1991” and inserting in lieu thereof “each fiscal year for which an authorization of appropriations is provided in paragraph (1)”.

(b) **ADMINISTRATIVE AUTHORITIES REGARDING INVESTIGATIONS.**—Section 41 of that Act (22 U.S.C. 2581) is amended—

- (1) by redesignating paragraphs (h) and (i) as paragraphs (i) and (j), respectively; and
- (2) by inserting after paragraph (g) the following new paragraph (h):

“(h) administer oaths and take sworn statements in the course of an investigation made pursuant to the Director's responsibilities under this Act.”

(c) **ACDA REVITALIZATION.**—Not later than December 15, 1992, the Inspector General of the Arms Control and Disarmament Agency (who serves also as the Inspector General of the Department of State) shall submit to the President, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate a report with regard to the Agency's fulfillment of the primary functions described in section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551). Such report shall address the current ability and performance of the Agency in carrying out these functions and shall provide detailed recommendations for any changes in executive branch organization and direction needed to fulfill these primary functions. Within 60 days after submission of this report, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate comments on any recommendations contained in the report dealing with executive branch organization and direction.

**SEC. 402. ON-SITE INSPECTION AGENCY.**

(a) **RESPONSIBILITIES OF THE ON-SITE INSPECTION AGENCY.**—

- (1) **ADDITIONAL RESPONSIBILITIES.**—Section 61 of the Arms Control and Disarmament Act (22 U.S.C. 2595) is amended—

- (A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

- (B) by inserting after paragraph (4) the following new paragraph:

“(5) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (4), including the monitoring of nuclear tests pursuant to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the monitoring of the inspection provisions of such additional arms control agreements as the President may direct.”

- (2) **CONFORMING AMENDMENTS TO DEFINITIONS.**—Section 64 of that Act (22 U.S.C. 2595c) is amended—

- (A) by striking out “and” at the end of paragraph (1);
- (B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

- (C) by adding after paragraph (2) the following:

“(3) the term ‘Peaceful Nuclear Explosions Treaty’ means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 26, 1976); and

- (4) the term ‘Threshold Test Ban Treaty’ means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).”

(b) **IMPROVING CONGRESSIONAL OVERSIGHT OF ON-SITE INSPECTION ACTIVITIES.**—Title V of that Act is amended—

- (1) by redesignating section 64 as section 65; and
- (2) by inserting after section 63 the following:

“SEC. 64. IMPROVING CONGRESSIONAL OVERSIGHT OF ON-SITE INSPECTION ACTIVITIES.

“(a) **REPORT FROM THE PRESIDENT.**—Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a



report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the House of Representatives and Senate. The report shall include a review of—

"(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

"(2) the missions and tasks assigned to OSIA to date;

"(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

"(4) the budgetary history of OSIA; and

"(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.

"(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees."

\*Approved December 12, 1991.

LEGISLATIVE HISTORY—H.R. 3807 (S. 1987):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Nov. 19, considered and passed House.

Nov. 25, considered and passed Senate, amended.

Nov. 28, House concurred in Senate amendments with amendments.

Nov. 27, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Dec. 12, Presidential statement.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS  
AND TRANSFER FOR RELIEF FROM THE EFFECTS  
OF NATURAL DISASTERS, FOR OTHER URGENT  
NEEDS, AND FOR INCREMENTAL COST OF  
'OPERATION DESERT SHIELD/DESERT STORM' ACT  
OF 1992

For Signing Statement of Act, see p. 1361.

Joint Resolution making dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for incremental costs of "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1992, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1992, and for other purposes, namely:

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

MISSILE PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Missile procurement, Army", \$78,000,000, to remain available for obligation until September 30, 1994, and in addition, \$67,000,000, to be derived by transfer from "Missile procurement, Air Force, 1991/1993", to remain available for obligation until September 30, 1993.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for "Shipbuilding and conversion, Navy", for LSD-41 dock landing ship, cargo variant program, advance procurement of engines and generators, \$25,000,000, to remain available for obligation until September 30, 1996.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve equipment", \$10,100,000, to remain available until September 30, 1994, for the purchase of one MH-60G helicopter.

Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Costs of "Operation Desert Shield/Desert Storm" Act of 1992.

- a. All undertakings to be carried out in Stage I had been carried out.
- b. All preparations required for Stage II had been made; and
- c. All militarily significant states had become parties to the treaty.

2. Transition from Stage I to Stage II would take place at the end of Stage I or at the end of any periods of extension of Stage I, upon a determination, in the light of specified criteria, by affirmative vote of two-thirds of the members of the Control Council, including at least the United States and the Union of Soviet Socialist Republics, that the foregoing circumstances existed.

3. If, at the end of Stage I, one or more permanent members of the Control Council should declare that the foregoing circumstances did not exist, the agreed period of Stage I would, upon the request of such permanent member or members, be extended by a period or periods totalling no more than three months for the purpose of bringing about the foregoing circumstances.

4. Upon the expiration of such period or periods, the Control Council would again consider whether the foregoing circumstances did in fact exist and would vote upon transition in the manner specified in paragraph 2 above.

## STAGE II

Stage II would begin upon the transition from Stage I and would be completed within three years from that date.

During Stage II, the Parties to the Treaty would undertake:

- 1. To continue all obligations undertaken during Stage I;
- 2. To reduce further the armaments and armed forces reduced during Stage I and to carry out additional measures of disarmament in the manner outlined below;
- 3. To ensure that the International Disarmament Organization would have the capacity to verify in the agreed manner the obligations undertaken during Stage II; and
- 4. To strengthen further the arrangements for keeping the peace through the establishment of a United Nations Peace Force and through the additional measures outlined below.

### A. ARMAMENTS

#### 1. Reduction of Armaments

a. Those Parties to the Treaty which had during Stage I reduced their armaments in agreed categories by thirty per cent would during Stage II further reduce each type of armaments in the categories listed in Section A, subparagraph 1.b of Stage I by fifty per cent of the inventory existing at the end of Stage I.

b. Those Parties to the Treaty which had not been subject to measures for the reduction of armaments during Stage I would submit to the International Disarmament Organization an appropriate declaration respecting the inventories by types, within the categories listed in Stage I of their armaments existing at the beginning of Stage II. Such Parties to the Treaty would during Stage II reduce the inventory of each type of such armaments by sixty-five per cent in order that such Parties would accomplish the same total percentage of reduction by the end of Stage II as would be accomplished by those Parties to the Treaty which had reduced their armaments by thirty per cent in Stage I.

#### 2. Additional Armaments Subject to Reduction

a. The Parties to the Treaty would submit to the International Disarmament Organization a declaration respecting their inventories existing at the beginning of Stage II of the additional types of armaments in the categories listed in subparagraph b. below, and would during Stage II reduce the inventory of each type of such armaments by fifty per cent.

b. All types of armaments within further agreed categories would be subject to reduction in Stage II (the following list of categories is illustrative):

- (1) Armed combat aircraft having an empty weight of up to 2,500 kilograms (declarations by types).
- (2) Specified types of unarmed military aircraft (declarations by types).
- (3) Missiles and free rockets having a range of less than 10 kilometers (declarations by types).
- (4) Mortars and rocket launchers having a caliber of less than 100 mm. (declarations by types).
- (5) Specified types of unarmoured personnel carriers and transport vehicles (declarations by types).
- (6) Combatant ships with standard displacement of 400 tons or greater which had not been included among the armaments listed in Stage I, and combatant ships with standard displacement of less than 400 tons (declarations by types).
- (7) Specified types of non-combatant naval vessels (declarations by types).
- (8) Specified types of small arms (declarations by types).

c. Specified categories of ammunition for armaments listed in Stage I, Section A, subparagraph 1.b., and subparagraph b. above would be reduced to levels consistent with the levels of armaments agreed for the end of Stage II.

ment. The Parties to the Treaty would agree to the establishment of procedures whereby rules recommended by the subsidiary body and approved by the Control Council would be circulated to all Parties to the Treaty and would become effective three months thereafter unless a majority of the Parties to the Treaty signified their disapproval, and whereby the Parties to the Treaty would be bound by rules which had become effective in this way unless, within a period of one year from the effective date, they formally notified the International Disarmament Organization that they did not consider themselves so bound. Using such procedures, the Parties to the Treaty would adopt such rules of international conduct related to disarmament as might be necessary to begin Stage III.

b. In the light of the study of indirect aggression and subversion conducted in Stage I, the Parties to the Treaty would agree to arrangements necessary to assure states against indirect aggression and subversion.

### 3. *United Nations Peace Force*

The United Nations Peace Force to be established as the result of the agreement reached during Stage I would come into being within the first year of Stage II and would be progressively strengthened during Stage II.

### 4. *United Nations Peace Observation Corps*

The Parties to the Treaty would conclude arrangement for the expansion of the activities of the United Nations Peace Observation Corps.

### 5. *National Legislation*

Those Parties to the Treaty which had not already done so would, in accordance with their constitutional processes, enact national legislation in support of the Treaty imposing legal obligations on individuals and organizations under their jurisdiction and providing appropriate penalties for noncompliance.

## II. TRANSITION

1. During the last three months of Stage II, the Control Council would review the situation respecting the following listed circumstances with a view to determining, in the light of specified criteria, whether these circumstances existed at the end of Stage II:

- a. All undertakings to be carried out in Stage II had been carried out.
- b. All preparations required for Stage III had been made; and
- c. All states possessing armed forces and armaments had become parties to the treaty.

2. Transition from Stage II to Stage III would take place at the end of Stage II or at the end of any periods of extension of Stage II, upon a determination, in the light of specified criteria, by affirmative vote of two-thirds of the members of the Control Council, including at least the United States and the Union of Soviet Socialist Republics, that the foregoing circumstances existed.

3. If, at the end of Stage II, one or more permanent members of the Control Council should declare that the foregoing circumstances did not exist, the agreed period of Stage II would, upon the request of such permanent member or members, be extended by a period or periods totalling no more than three months for the purpose of bringing about the foregoing circumstances.

4. Upon the expiration of such period or periods, the Control Council would again consider whether the foregoing circumstances did in fact exist and would vote upon transition in the manner specified in paragraph 2 above.

## STAGE III

Stage III would begin upon the transition from Stage II and would be completed within an agreed period of time as promptly as possible.

During Stage III, the Parties to the Treaty would undertake:

1. To continue all obligations undertaken during Stages I and II;
2. To complete the process of general and complete disarmament in the manner outlined below;
3. To ensure that the International Disarmament Organization would have the capacity to verify in the agreed manner the obligations undertaken during Stage III and of continuing verification subsequent to the completion of Stage III; and
4. To strengthen further the arrangements for keeping the peace during and following the achievement of general and complete disarmament through the additional measures outlined below.

### A. ARMAMENTS

#### 1. *Reduction of Armaments*

Subject to agreed requirements for non-nuclear armaments of agreed types for national forces required to maintain internal order and protect the personal security of citizens, the Parties to the Treaty would eliminate all armaments remaining at their disposal at the end of Stage II.

#### 2. *Method of Reduction*

- a. The foregoing measure would be carried out in an agreed sequence and through arrangements that would be set forth in an annex to the Treaty.



2. This determination would be made by affirmative vote of two-thirds of the members of the Control Council, including at least the United States and the Union of Soviet Socialist Republics. If an affirmative determination were made, Stage III would be deemed completed.

3. In the event that one or more of the permanent members of the Control Council should declare that such undertakings had not been carried out, the agreed period of Stage III would, upon the request of such permanent member or members, be extended for a period or periods totalling no more than three months for the purpose of completing any uncompleted undertakings. Upon the expiration of such period or periods, the Control Council would again consider whether such undertakings had been carried out and would vote upon the question in the manner specified in paragraph 2 above.

4. After the completion of Stage III, the obligations undertaken in Stages I, II and III would continue.

## GENERAL PROVISIONS APPLICABLE TO ALL STAGES

### 1. *Subsequent Modifications or Amendments of the Treaty*

The Parties to the Treaty would agree to specific procedures for considering amendments or modifications of the Treaty which were believed desirable by any Party to the Treaty in the light of experience in the early period of implementation of the Treaty. Such procedures would include provision for a conference on revision of the Treaty after a specified period of time.

### 2. *Interim Agreement*

The Parties to the Treaty would undertake such specific arrangements, including the establishment of a **Preparatory Commission**, as were necessary between the signing and entry into force of the Treaty to ensure the initiation of Stage I immediately upon the entry into force of the Treaty, and to provide an interim forum for the exchange of views and information on topics relating to the Treaty and to the achievement of a permanent stage of general and complete disarmament in a peaceful world.

### 3. *Parties to the Treaty, Ratification, Accession and Entry Into Force of the Treaty*

a. The Treaty would be open to signature and ratification, or accession by all members of the United Nations or its specialized agencies.

b. Any other state which desired to become a Party to the Treaty could accede to the Treaty with the approval of the Conference on recommendation of the Control Council.

c. The Treaty would come into force when it had been ratified by \_\_\_\_\_ states, including the United States of America, the Union of Soviet Socialist Republics, and an agreed number of the following states: \_\_\_\_\_.

d. In order to assure the achievement of the fundamental purpose of a permanent state of general and complete disarmament in a peaceful world, the Treaty would specify that the accession of certain militarily significant states would be essential for the continued effectiveness of the Treaty or for the coming into force of particular measures or stages.

e. The Parties to the Treaty would undertake to exert every effort to induce other states or authorities to accede to the Treaty.

f. The Treaty would be ~~subject to~~ ratification or acceptance in accordance with constitutional processes.

g. A Depositary Government would be agreed upon which would have all of the duties normally incumbent upon a Depositary. Alternatively, the United Nations would be the Depositary.

### 4. *Finance*

a. In order to meet the financial obligations of the International Disarmament Organization, the Parties to the Treaty would bear the International Disarmament Organization's expenses as provided in the budget approved by the General Conference and in accordance with a scale of apportionment approved by the General Conference.

b. The General Conference would exercise borrowing powers on behalf of the International Disarmament Organization.

### 5. *Authentic Texts*

The text of the Treaty would consist of equally authentic versions in English, French, Russian, Chinese and Spanish.

U.S.C.  
Congressional  
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PUBLIC LAW 101-216 [H.R. 1495]; December 11, 1989

## ARMS CONTROL AND DISARMAMENT AMENDMENTS ACT OF 1989

For Legislative History of Act, see p. 1292.

An Act to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1989".

Arms Control  
and  
Disarmament  
Amendments  
Act of 1989  
22 USC 2251  
note

### TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

#### SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1989.

Section 49(a) of the Arms Control and Disarmament Act is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

~~“(A) \$36,000,000 for the fiscal year 1990 and \$37,316,000 for the fiscal year 1991, and~~

~~“(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other non-discretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.~~

22 USC 2589

#### SEC. 102. DUTIES OF THE DEPUTY DIRECTOR.

Section 23 of the Arms Control and Disarmament Act (22 U.S.C. 2563) is amended in the second sentence to read as follows: "The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe."

#### SEC. 103. DUTIES OF THE SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended by striking out "who shall perform" and all that follows through the period ~~and inserting in lieu thereof the following: "one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director."~~

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act.

22 USC 2567  
note



LAWS OF 101st CONG.—1st SESS

Dec. 11

**SEC. 101. ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION.**

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

- (1) managing the implementation of existing and future arms control agreements;
- (2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and
- (3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions

**SEC. 102. ARMS CONTROL VERIFICATION.**

(a) **ESTABLISHMENT OF WORKING GROUP.**—The President should establish a working group—

- (1) to examine verification approaches to a strategic arms reduction agreement ~~and other arms control agreements~~; and
- (2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) **INFORMATION AND DATA BASE.**—(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

- (A) all current United States bilateral and multilateral arms treaties; and
- (B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

**SEC. 104. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR.**

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2558) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

**SEC. 107. REPORTING REQUIREMENT ON PROSPECTS FOR CONVERSION OF UNITED STATES DEFENSE INDUSTRIES.**

The Director of the United States Arms Control and Disarmament Agency, in consultation with the Secretary of Defense and the Secretary of Commerce, shall study, and (not later than 180 days after the date of enactment of this Act) submit to the Congress a report on concrete steps which could be taken to improve prospects

Dec. 11

ACDA AMENDMENTS

P.L. 101-216

for conversion of portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements.

**TITLE II—ON-SITE INSPECTION ACTIVITIES**

**SEC. 201. ON SITE INSPECTION AGENCY.**

The Arms Control and Disarmament Act is amended by adding at the end the following:

**"TITLE V—ON-SITE INSPECTION ACTIVITIES**

**SEC. 61. FINDINGS.**

"The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this Act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

- "(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic;
- "(B) escort duties for Soviet teams visiting the United States and the Soviet Union;
- "(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and
- "(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

**SEC. 62. POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS.**

"(a) **INTERAGENCY COORDINATION.**—OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

"(b) **ROLE OF THE SECRETARY OF DEFENSE.**—The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) and operational direction, consistent with section 113(b) of title 10, United States Code.

"(c) **ROLE OF THE DIRECTOR.**—The Director should provide to the interagency mechanism described in subsection (a) appropriate rec-

22 USC 2595

22 USC



ommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

22 USC 2595b

"SEC. 43. AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION AGENCY.

"There are authorized to be appropriated \$49,830,000 for fiscal year 1990 and \$48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

22 USC 2595c

"SEC. 44. DEFINITIONS.

"As used in this title—

"(1) the term 'INF Treaty' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty."

Approved December 11, 1989.

#### LEGISLATIVE HISTORY—H.R. 1495 (S. 1868)

HOUSE REPORTS: No. 101-72, Pt. 1 (Comm. on Foreign Affairs) and Pt. 2 (Comm. on Armed Services).

SENATE REPORTS: No. 101-195 accompanying S. 1868 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Sept. 19, Oct. 12, considered and passed House.

Nov. 17, considered and passed Senate, amended.

Nov. 19, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):  
Dec. 11, Presidential statement.

PUBLIC LAW 101-217 [H.R. 3620]: December 11, 1989

## TREATMENT OF CASH RENT TENANTS FOR PAYMENT LIMITATION PURPOSES

For Legislative History of Act, see p. 1296.

An Act to clarify the Food Security Act of 1985.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. AMENDMENT AFFECTING THE 1989 CROPS.

Effective only for the 1989 crops, section 1001(5XD) of the Food Security Act of 1985 (7 U.S.C. 1308(5XD)) is amended to read as follows:

"(DXi) Except as provided in clause (ii), any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be considered the same person as the landlord unless the tenant makes a significant contribution of equipment used in the farming operation.

(ii) A tenant that because of any act or failure to act would otherwise be considered the same person as the landlord under clause (i) shall not be considered the same person as the landlord if the Secretary has at any time made a determination, for purposes of this section, regarding the number of persons with respect to the tenant's operation on such land for the 1989 crop year and the landlord did not consent to or knowingly participate in such act or failure to act.

(iii) Any tenant that would be considered to be the same person as the landlord but for the operation of clause (ii) shall be eligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land only to the extent that the tenant would be eligible for such payments if the tenant were to be considered the same person as the landlord under the regulations in place immediately prior to the enactment of this subparagraph."

### SEC. 2. AMENDMENT AFFECTING THE 1990 CROPS.

Effective only for the 1990 crops, section 1001(6XD) of the Food Security Act of 1985 (7 U.S.C. 1308(6XD)) is amended to read as follows:

"(D) Any person that conducts a farming operation to produce a crop subject to limitations under this section as a tenant that rents the land for cash (or a crop share guaranteed as to the amount of the commodity to be paid in rent) and that makes a significant contribution of active personal management but not of personal labor shall be ineligible to receive any payment specified in paragraph (1) or (2) or subtitle D of title XII with respect to such land unless the tenant makes a significant contribution of equipment used in the farming operation."

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## ACTS CITED BY POPULAR NAME

## Armed Forces—Continued

1407(a), (b)(1), title XVI, §§ 1602, 1603(a), 1611(a), 1612, 1616, 1621(a), 1622(a)-(h)(1), 1633, 1634, 1636, div. B, title XXVIII, §§ 2802-2807(b), 2808, 2809, 2831(a), 103 Stat. 1387, 1403-1405, 1411-1417, 1419, 1426, 1433-1437, 1439-1441, 1444, 1454, 1456-1463, 1466, 1467, 1474-1493, 1500-1503, 1512-1519, 1531, 1534-1539, 1554-1561, 1563, 1566, 1567, 1569-1586, 1588, 1589, 1596-1610, 1646-1650, 1660

Nov. 30, 1989, Pub. L. 101-193, title V, § 501(a), 502, 503, 505(a), 507(a), 103 Stat. 1707-1709

Nov. 30, 1989, Pub. L. 101-194, title V, § 506(c)(3), 103 Stat. 1759

Dec. 11, 1989, Pub. L. 101-218, § 8(b), 103 Stat. 1868

Dec. 12, 1989, Pub. L. 101-225, title II, § 202, 103 Stat. 1910

Dec. 18, 1989, Pub. L. 101-237, title IV, § 405(d)(3), 422(b), 103 Stat. 2081, 2089

May 4, 1990, Pub. L. 101-260, § 6(d)(4), 10(b), 104 Stat. 161, 162

Oct. 1, 1990, Pub. L. 101-403, title II, § 202(a), 104 Stat. 872

Nov. 6, 1990, Pub. L. 101-509, title V, § 529 (title I, § 101(b)(6)(C)), 104 Stat. 1440

Nov. 5, 1990, Pub. L. 101-510, 104 Stat. 1455

Nov. 16, 1990, Pub. L. 101-597, title IV, § 401(b), 104 Stat. 3035

Nov. 29, 1990, Pub. L. 101-647, title XVIII, § 1802, 104 Stat. 4849

Mar. 22, 1991, Pub. L. 102-16, § 10(b), 105 Stat. 56

Apr. 6, 1991, Pub. L. 102-25, title III, § 310, 316(b), 337(b), title VII, § 701(a)-(j)(2)(A), (3)-(10), (k)(1), (2), 104 Stat. 84, 87, 90, 113-117

Aug. 14, 1991, Pub. L. 102-86, title V, § 501, 502(a), 504(a), title VI, § 602(c)(3), 105 Stat. 435, 437, 444

Oct. 10, 1991, Pub. L. 102-127, § 2(d), 3, 105 Stat. 621, 622

Nov. 26, 1991, Pub. L. 102-172, title VIII, § 8137, 105 Stat. 1212

Dec. 5, 1991, Pub. L. 102-190, div. A, title II, § 203(c), 256(a)(1), (2)(A), 257, title III, § 312, 314(a)(1), (2), 315(a), 317, 331(a), 336(a), 341, 342, 346, 348(a), 347(a), (b), title IV, § 413, 431, title V, § 501, 502(a), 503, 504(a)(d), 505, 506(a), 512, 513, 522(a), (b), 531, 551(a), title VI, § 607(a), (b), 612(c), 626, 631(a), 638-640, 651(a), 652(a), 653(b)(1), (2), (c)(1), 654, 657(b), 661(a), 662(a), title VII, § 701-704(b)(1), (c), 711, 712(a), 713-716(a), 717, title VIII, § 801, 802(a), (d), 803(a), 804(a)-(c)(1), 805, 821(a)-(c), (e), (f), 823(a), 824(a), (b), 825(a), 826, 828, 834, 835, 841(a), title IX, § 901(a), 902, 911, 912(a), 922, title X, § 1002(a), 1003, 1017, 1047, 1048, 1051-1053, 1061, 1086, 1088(b), title XI, § 1112-1116, 1131, div. B, title XXVIII, § 2801-2805(a), 2806(a), (b), 2807, 2808, 2809(a), 2861, 2862, 2863(a), 2864, 2870, 105 Stat. 1314, 1330, 1331, 1335-1339, 1342, 1343, 1346, 1347, 1352, 1354-1360, 1362, 1365, 1370, 1375, 1376, 1379, 1380, 1384, 1385, 1387-1389, 1393-1404, 1412-1417,

1426-1432, 1435-1444, 1447, 1448, 1450, 1452, 1453, 1455, 1456, 1459, 1467, 1468, 1470-1472, 1483, 1485, 1492-1503, 1505, 1537-1541, 1559-1562

Armed Forces Immigration Adjustment Act of 1991  
Pub. L. 102-110, Oct. 1, 1991, 105 Stat. 556

Armed Forces Retirement Home Act of 1991  
Pub. L. 101-510, div. A, title XV, Nov. 3, 1990, 104 Stat. 1722

Arms Control and Disarmament Act  
Pub. L. 101-510, title I, §§ 101-103(a), 106, 107, 108, § 301, Dec. 11, 1989, 103 Stat. 1853-1858

Pub. L. 102-228, title IV, § 401(a), (b), 402, Dec. 12, 1991, 105 Stat. 1698, 1699

Arms Control and Disarmament Amendments Act of 1989  
Pub. L. 101-216, Dec. 11, 1989, 103 Stat. 1853

Arms Export Control Act  
Pub. L. 101-165, title IX, §§ 9097, 9104(b)(1), (c), Nov. 21, 1989, 103 Stat. 1150, 1152

Pub. L. 101-167, title V, § 550, Nov. 21, 1989, 103 Stat. 1235

Pub. L. 101-222, §§ 2, 3, 6, 7, Dec. 12, 1989, 103 Stat. 1892, 1896, 1899

Pub. L. 101-231, § 4, Dec. 13, 1989, 103 Stat. 1957

Pub. L. 101-510, div. A, title XVII, § 1703, Nov. 5, 1990, 104 Stat. 1745

Pub. L. 101-513, title V, §§ 546, 580, 596(c), Nov. 5, 1990, 104 Stat. 2019, 2045, 2062

Pub. L. 102-25, title VII, § 705(d), Apr. 6, 1991, 105 Stat. 120

Pub. L. 102-138, title III, §§ 321, 323, title V, § 505(b), Oct. 26, 1991, 105 Stat. 710, 711, 727

Pub. L. 102-182, title III, § 305(b), Dec. 4, 1991, 105 Stat. 1250

Pub. L. 102-228, § 2, Dec. 12, 1991, 105 Stat. 1691

Aronstook Band of Micmacs Settlement Act  
Pub. L. 102-171, Nov. 26, 1991, 105 Stat. 1143 (Title 25, § 1721 note)

Arms and Artifacts Indemnity Act  
Pub. L. 101-512, title III, § 318 (title III, § 301), Nov. 5, 1990, 104 Stat. 1976

Arts, Humanities, and Museums Amendments of 1990  
Pub. L. 101-512, title III, § 318 (§§ 101-403), Nov. 5, 1990, 104 Stat. 1960

Asbestos Hazard Emergency Response Act of 1986  
Pub. L. 101-637, § 12, Nov. 28, 1990, 104 Stat. 4593

Asbestos School Hazard Abatement Act of 1984  
Pub. L. 101-637, §§ 4, 11, 14, Nov. 28, 1990, 104 Stat. 4590-4592, 4594

Asbestos School Hazard Abatement Reauthorization Act of 1990  
Pub. L. 101-637, Nov. 28, 1990, 104 Stat. 4589

## ACTS CITED BY POPULAR NAME

Armed Services Procurement Act of 1947  
Pub. L. 19, 1946, ch. 65, 62 Stat. 21 (See Title 10, § 2202, 2301-2314, 2381, 2383)

Oct. 31, 1951, ch. 682, 65 Stat. 700 (See Title 10, § 2306-2613)

Aug. 9, 1955, ch. 628, § 15, 69 Stat. 551 (See Title 10, § 2305)

Armistice Day Act  
May 13, 1938, ch. 210, 52 Stat. 351 (See Title 5, § 6103)

June 1, 1954, ch. 250, 68 Stat. 168

Arms Control and Disarmament Act  
Pub. L. 101-510, title I, §§ 101-103(a), 106, 107, 108, § 301, Dec. 11, 1989, 103 Stat. 1853-1858

Pub. L. 102-228, title IV, § 401(a), (b), 402, Dec. 12, 1991, 105 Stat. 1698, 1699

Arms Control and Disarmament Amendments Act of 1989  
Pub. L. 101-216, Dec. 11, 1989, 103 Stat. 1853

Pub. L. 101-513, title V, §§ 546, 580, 596(c), Nov. 5, 1990, 104 Stat. 2019, 2045, 2062

Pub. L. 102-25, title VII, § 705(d), Apr. 6, 1991, 105 Stat. 120

Pub. L. 102-138, title III, §§ 321, 323, title V, § 505(b), Oct. 26, 1991, 105 Stat. 710, 711, 727

Pub. L. 102-182, title III, § 305(b), Dec. 4, 1991, 105 Stat. 1250

Pub. L. 102-228, § 2, Dec. 12, 1991, 105 Stat. 1691

Arms Export Control Act  
Pub. L. 101-165, title IX, §§ 9097, 9104(b)(1), (c), Nov. 21, 1989, 103 Stat. 1150, 1152

Pub. L. 101-167, title V, § 550, Nov. 21, 1989, 103 Stat. 1235

Pub. L. 101-222, §§ 2, 3, 6, 7, Dec. 12, 1989, 103 Stat. 1892, 1896, 1899

Pub. L. 101-231, § 4, Dec. 13, 1989, 103 Stat. 1957

Pub. L. 101-510, div. A, title XVII, § 1703, Nov. 5, 1990, 104 Stat. 1745

Pub. L. 101-513, title V, §§ 546, 580, 596(c), Nov. 5, 1990, 104 Stat. 2019, 2045, 2062

Pub. L. 102-25, title VII, § 705(d), Apr. 6, 1991, 105 Stat. 120

Pub. L. 102-138, title III, §§ 321, 323, title V, § 505(b), Oct. 26, 1991, 105 Stat. 710, 711, 727

Pub. L. 102-182, title III, § 305(b), Dec. 4, 1991, 105 Stat. 1250

Pub. L. 102-228, § 2, Dec. 12, 1991, 105 Stat. 1691

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Pub. L. 101-512, title III, § 318 (title III, § 301), Nov. 5, 1990, 104 Stat. 1976

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Asbestos Hazard Emergency Response Act of 1986  
Pub. L. 101-637, § 12, Nov. 28, 1990, 104 Stat. 4593

Asbestos School Hazard Abatement Act of 1984  
Pub. L. 101-637, §§ 4, 11, 14, Nov. 28, 1990, 104 Stat. 4590-4592, 4594

Asbestos School Hazard Abatement Reauthorization Act of 1990  
Pub. L. 101-637, Nov. 28, 1990, 104 Stat. 4589

Arms Control and Disarmament Act of 1977  
Pub. L. 95-108, Aug. 17, 1977, 91 Stat. 871

Arms Control and Disarmament Amendments Act of 1982  
Pub. L. 97-339, Oct. 15, 1982, 96 Stat. 1636

Arms Control and Disarmament Amendments Act of 1987  
Pub. L. 100-213, Dec. 24, 1987, 101 Stat. 1444

Arms Export Control Act  
Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320 (Title 22, § 2751 et seq.)

Pub. L. 91-672, § 1-4, Jan. 12, 1971, 85 Stat. 2083

Pub. L. 92-226, pt. IV, §§ 401, 402, Feb. 7, 1972, 86 Stat. 32, 33

Pub. L. 93-189, § 25, 26(1)-(3), Dec. 17, 1973, 87 Stat. 729-731

Pub. L. 93-559, § 46, Dec. 30, 1974, 88 Stat. 1813

Pub. L. 94-141, title I, § 150(b), Nov. 29, 1975, 89 Stat. 760

Pub. L. 94-389, title II, §§ 201-209(a), 210-215, title III, §§ 302(b), 304(b), title VI, §§ 604, 605(b), June 30, 1976, 90 Stat. 734-746, 752-755, 766-768

Pub. L. 95-92, § 7(d), 16-20, Aug. 4, 1977, 91 Stat. 617, 622, 623

Pub. L. 95-105, title I, § 109(a)(5), Aug. 17, 1977, 91 Stat. 846

Pub. L. 95-384, § 15(a), 16-21, Sept. 26, 1978, 92 Stat. 739-741

Pub. L. 96-72, § 22(a), Sept. 29, 1979, 93 Stat. 535

Pub. L. 96-92, §§ 11-17(a), 18, 19, 20(b), 21, 22, Oct. 29, 1979, 93 Stat. 705-710

Pub. L. 96-533, title I, §§ 101-107, 109(f), 115(b)(2), Dec. 16, 1980, 94 Stat. 3131-3136, 3138, 3140

Pub. L. 97-113, title I, §§ 101-108(a), 109(a), (b), 115, title VII, §§ 732, 734(a)(10), Dec. 29, 1981, 95 Stat. 1519-1526, 1528, 1557, 1560

Pub. L. 97-302, §§ 1-3, Dec. 29, 1982, 96 Stat. 1662, 1663

Pub. L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 969

Pub. L. 98-64, title I, § 123(a), July 12, 1985, 99 Stat. 156

Pub. L. 99-83, title I, §§ 101(a), (b), 102, 108(b), (c), 107-121, title V, § 503(b), title XII, § 1209(c), Aug. 8, 1985, 99 Stat. 193-204, 221, 279

Pub. L. 99-139, § 1(a), Oct. 30, 1985, 99 Stat. 562

Pub. L. 99-145, title XI, § 1102(a), Nov. 8, 1985, 99 Stat. 708

Pub. L. 99-247, § 1, Feb. 12, 1986, 100 Stat. 9

Pub. L. 99-399, title V, § 509(a), Aug. 27, 1986, 100 Stat. 874

Pub. L. 99-433, title I, § 110(h)(1), (2), Oct. 1, 1986, 100 Stat. 1004

Pub. L. 99-500, § 147, Oct. 18, 1986, 100 Stat. 1783-351, and Pub. L. 99-591, § 147, Oct. 30, 1986, 100 Stat. 3341-354

Pub. L. 99-661, div. A, title XI, § 1103(a), Nov. 14, 1986, 100 Stat. 3962

Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 409

Pub. L. 100-180, title X, § 1022, Dec. 4, 1987, 101 Stat. 1144

Pub. L. 100-202, § 101(b) (title VIII, § 8142(a)), § 101(e) (title V, §§ 556, 572, 580), Dec. 22, 1987, 101 Stat. 1329-43, 1329-58, 1329-131, 1329-170, 1329-176, 1329-181

Pub. L. 100-204, title XII, § 1255, Dec. 22, 1987, 101 Stat. 1429

Pub. L. 100-456, div. A, title X, § 1002, 1003, Sept. 29, 1988, 102 Stat. 2037, 2038

Pub. L. 100-461, title V, §§ 552, 577, 588(a), Oct. 1, 1988, 102 Stat. 2268-35, 2268-45, 2268-51

Arms Sale Resolution  
May 28, 1934, ch. 365, 48 Stat. 811

Army Air Race Act  
Aug. 12, 1935, ch. 511, 49 Stat. 610 (See Title 10, § 9773, 9774)

Army and Air Force Authorization Act of 1949  
July 10, 1950, ch. 454, 64 Stat. 321

Mr. GILMAN. Mr. Chairman, I rise to express my strong support for H.R. 1495, a bill authorizing appropriations for the Arms Control and Disarmament Agency for fiscal years 1990, and 1991 and I commend our distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL] and the gentleman from Michigan, our ranking minority member of the Foreign Affairs Committee, Mr. BROOMFIELD, for bringing this measure to the floor at this time.

This bill reflects over a year and a half of Foreign Affairs Committee oversight over the Arms Control and Disarmament Agency. The bill is our response to three surveys requested by the Committee on Foreign Affairs by the GAO, as well as one committee mandated inspector general report. And provides the necessary funding for arms control negotiations, for enhanced arms control verification, and for our negotiators in Geneva, Vienna, and Stockholm.

In this age of rapid change and developments in the field of arms control, as well as the necessity for the United States to respond to new Soviet initiatives, this bill sends the right message to the Soviets and demonstrates, unequivocally, that the Congress is profoundly committed to the critical function of the Arms Control and Disarmament Agency.

This is a measure that our colleagues on both sides of the aisle can fully support. As well as the administration. Moreover, this legislation is critically important because it clearly asserts the right of the Committee on Foreign Affairs to share joint jurisdiction over arms control issues, especially on-site inspection programs, to verify compliance with the INF Treaty.

Accordingly, I urge all of our colleagues to support this important measure.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend my good friend, the chairman of the committee, the gentleman from Florida [Mr. FASCELL], for having once again persevered to bring this to the floor, even though it came previously and got a majority of the votes on suspension but did not receive enough. I hope the membership will today, in the regular order of business, vote to approve this bill.

It is extremely important for us to have an Arms Control and Disarmament Agency, a place where hopefully significant, legitimate, well-thought-out, rational, and reasoned policy will be employed as to how best to accomplish the goals that most of us in this Chamber and most of the American people really believe in. Arms control is an issue whose time has come, but it is not an issue which has not been important for the previous many years.

There are many of us in this Chamber and in this country who have been

working very hard and diligently over the years to bring about some rational common sense in our policy of engaging the Soviets and others in arms control and hoping to bring a policy of reduction in weapons, both nuclear and nonnuclear. The Arms Control and Disarmament Agency, although from time to time taking positions or effecting policy in a way that this Congress has not approved, overall has been a very helpful part of the possible limitation on the profusion of weapons. When it is not used as a political tool, but when it is used as it was originally intended by the Congress, we believe it turns out to be a very effective tool in being able to make rational and capable judgments on how best to effectuate arms control and the overall disarming of many of the weapons of war around the world.

Mr. Chairman, we are going through a significant stage now where things which none of us ever dreamed could take place are taking place, not only taking place but going faster than we ever imagined, and in many instances we are having to run to catch up to events which are moving faster than we are.

Some of our Members just came back from being in Brussels and Geneva and report on the movement. The gentleman from Michigan [Mr. BROOMFIELD], the ranking member of the Committee on Foreign Affairs, himself is so impressed by the vigor and the dedication which both sides in Geneva and the other people involved are taking on arms control.

I can tell the Members that in just 3 short years the difference between the negotiators for the Soviet Union on arms control issues and on human rights issues and on other issues has changed so dramatically that one would think they were dealing with a totally different country, not even the same country. The Arms Control and Disarmament Agency has been a place where policy on these issues could be effected, and we need to have a place like this in our Government for the purpose of carrying out rapid decisions which have to be made in this rapidly changing world.

I would hope that the Members will vote for this. I believe that it is the appropriate thing to do. We have worked very hard on this issue on the Committee on Foreign Affairs, and I hope that the Members will do the right thing in this instance and vote a majority to pass this bill and hopefully get it to the President so he can sign it and have a place where he can have policy made into reality and hopefully get a safer world.

Mr. HOPKINS. Mr. Chairman, I move to strike the last word.

(Mr. HOPKINS asked and was given permission to revise and extend his remarks.)

Mr. HOPKINS. Mr. Chairman, in reference to some of our colleagues and their comments on chemical weapons, I thought I had better take this

time to make at least a couple of clarifying points.

First of all, I appreciate, as I think all other Americans do, the efforts of our President in his remarks before the United Nations and seeking a treaty to rid the world of this menace. The fact of the matter is that the Soviets did not even admit to having much less producing chemical weapons until we started with our binary structuring of chemical weapons. That is a fact. We now have a problem here, and this treaty is sometime off, in my view, from being signed.

Here is one of the basic problems: I have just returned from the Soviet Union a few days ago along with a number of my colleagues, myself and the gentleman from Arizona [Mr. STUMP], who were permitted to see the chemical demil operation by the Soviets in Chapayevsk. We were, in fact, the first Americans, as a matter of fact the first two people from the Western world, to be permitted in there. The Soviets have made a commitment of \$152 million in that facility, but the fact of the matter is, after we left there and pointed out some of the flaws that they have as far as technology is concerned, that we were shocked to learn, Mr. Chairman, that they have now announced that they are not going to open that facility to demil chemical weapons.

What does that mean? It simply means that the Soviets right now are at least 3 years away from even having a chemical weapons plant to demil their admitted 50,000 tons of chemical weapons.

It seems to me that one of the things that our administration should be doing, and I proposed this to them, is to recapture the initiative on this issue by offering to the Soviets and their scientists to share our technology with them that we have at Johnson Island. I think this would be a very, very good step forward.

I hope that members of the Committee on Foreign Affairs might consider helping me with that effort in the future.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute?

If not, the question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. FASCELL], as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NEAL of Massachusetts) having assumed the chair, Mr. COLEMAN of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms



Control and Disarmament Agency, and for other purposes, pursuant to House Resolution 255, he reported the bill back to the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment. The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 11, not voting 21, as follows:

(Roll No. 287)

YEAS—400

Ackerman	Clement	Flippo
Akaka	Clinger	Ford (MI)
Alexander	Coble	Ford (TN)
Anderson	Coleman (MO)	Frank
Andrews	Coleman (TX)	Frenzel
Annunzio	Combest	Frost
Applegate	Condit	Gallagher
Archer	Conte	Gallo
Atkins	Conyers	Gaydos
AsCoin	Cooper	Geddeson
Baker	Costello	Gekas
Ballenger	Coughlin	Geren
Barnard	Cox	Gibbons
Bartlett	Coyne	Gillmor
Barton	Craig	Gilman
Bates	Dannemeyer	Gingrich
Beilenson	Darden	Glickman
Bennett	Davis	Gonsky
Bentley	de la Garza	Gordon
Bereuter	DeFazio	Goss
Berman	DeLay	Gradison
Bevil	DeLums	Grandy
Bilbray	Derrick	Grant
Bilbrakis	DeWine	Gray
Billey	Dicks	Green
Boehert	Dingell	Guarini
Boggs	Donnelly	Hall (OH)
Bonior	Dorgan (ND)	Hall (TX)
Borski	Dorman (CA)	Hamilton
Bosco	Douglas	Hammerschmidt
Boucher	Downey	Hancock
Brennan	Dreier	Hansen
Brooks	Duncan	Harris
Broomfield	Durbin	Hastert
Browder	Dwyer	Hawkins
Brown (CA)	Dymally	Hayes (IL)
Brown (CO)	Dyson	Hayes (LA)
Bruce	Early	Heffley
Buechner	Eckart	Heifner
Bunning	Edwards (CA)	Henry
Burton	Edwards (OK)	Herr
Bustamante	Engel	Hertel
Byron	English	Hill
Callahan	Erdreich	Hogland
Campbell (CA)	Espy	Hochbruckner
Campbell (CO)	Evans	Hollowsay
Cardin	Fasell	Hopkins
Carper	Fawell	Horton
Carr	Fazio	Houghton
Chandler	Feltham	Hoyer
Chapman	Fields	Hubbard
Clarke	Fish	Hughes
Clay	Flake	

Hutto	Moody	Shays
Hyde	Moorhead	Shumway
Inhofe	Morella	Shuster
Ireland	Morrison (WA)	Sikorski
Jacobs	Mrazek	Sisk
James	Murtha	Skaggs
Jenkins	Myers	Skeen
Johnson (CT)	Nagle	Skelton
Johnson (SD)	Natcher	Slattery
Johnston	Neal (MA)	Slaughter (NY)
Jones (GA)	Nielson	Slaughter (VA)
Jones (NC)	Nowak	Smith (FL)
Jontz	Oskar	Smith (IA)
Kanjorski	Oberstar	Smith (NE)
Kaptur	Obey	Smith (NJ)
Kasich	Oliver	Smith (TX)
Kastenmeier	Ortiz	Smith (VT)
Kennedy	Owens (OT)	Smith, Dennis
Kennelly	Owens (UT)	(OR)
Kildee	Oxley	Smith, Robert
Klečka	Packard	(NE)
Koller	Pallone	Smith, Robert
Kostmayer	Panetta	(OR)
LaFalce	Parker	Snowe
Lagomastino	Parris	Solarz
Lancaster	Pashayan	Solomon
Lantos	Patterson	Spratt
Laughlin	Paxon	Staggers
Leach (IA)	Payne (NJ)	Stallings
Leath (TX)	Payne (VA)	Stangeland
Lehman (CA)	Pease	Stark
Lehman (FL)	Perlosi	Stearns
Lent	Penny	Stenholm
Levin (MI)	Perkins	Stokes
Levine (CA)	Petri	Studds
Lewis (CA)	Pickett	Sundquist
Lewis (FL)	Pickle	Swift
Lewis (GA)	Porter	Synar
Lightfoot	Poshard	Tallon
Lipinski	Price	Tanner
Livingston	Pursell	Tauke
Lloyd	Rahall	Tauzin
Long	Rangel	Thomas (CA)
Lowery (CA)	Ravenel	Thomas (GA)
Lowey (NY)	Ray	Thomas (WY)
Lukens	Regula	Torres
Lukens, Donald	Rhodes	Torricelli
Machley	Richardson	Trafficant
Madigan	Ridge	Traxler
Manton	Rinaldo	Udall
Markey	Ritter	Unsoeld
Marinette	Roberts	Upton
Martin (IL)	Robinson	Valentine
Martin (NY)	Roe	Vander Jagt
Martinez	Rogers	Vento
Matsui	Rohrabacher	Visclosky
Mavroules	Ros-Lehtinen	Volkmer
Mazoli	Rose	Vucanovich
McCandless	Rostenkowski	Walgren
McClintock	Roth	Walker
McCollum	Rowland (CT)	Walsh
McCrery	Rowland (GA)	Watkins
McCurdy	Roybal	Waxman
McDade	Russo	Weber
McDermott	Sabo	Weiss
McEwen	Sakki	Weldon
McGrath	Sangmeister	Wheat
McHugh	Sarpaliss	Whittaker
McMillan (NC)	Savage	Whitten
McMillen (MD)	Sawyer	Williams
McNulty	Saxton	Wilson
Meyers	Schaefer	Wise
Mfume	Scheuer	Wolf
Michel	Schiff	Wolpe
Miller (CA)	Schneider	Wyden
Miller (OH)	Schroeder	Wyle
Miller (WA)	Schulze	Yates
Mineo	Schulze	Young (AK)
Moakley	Schumer	Young (FL)
Moahan	Sharp	
Montgomery	Shaw	

NAYS—11

Armey	Dickinson	Sensenbrenner
Aspin	Hunter	Spence
Bateman	Kolbe	Stump
Crane	Kyl	

NOT VOTING—21

Anthony	Foglietta	Murphy
Bryant	Garcia	Neal (NC)
Collins	Gephardt	Nelson
Courter	Hatch	Quillen
Crockett	Huckaby	Roukema
Dixon	Mollinari	Towns
Florio	Morrison (CT)	Yatron

The Clerk announced the following pair:

On this vote:

Mr. Murphy for, with Mr. Quillen against.

Messrs. KYL, BATEMAN, ASPIN, and KOLBE changed their vote from "yes" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, OCTOBER 13, 1989, TO FILE CONFERENCE REPORT ON H.R. 2883, RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, October 13, 1989, to file a conference report on the bill (H.R. 2883) making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

The SPEAKER pro tempore (Mr. NEAL of Massachusetts). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1990

The SPEAKER pro tempore. Pursuant to House Resolution 254 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2748.

□ 1407

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. Moody in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. BEILENSEN) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Hyde) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. BEILENSEN).

Mr. BEILENSEN. Mr. Chairman, I rise in support of H.R. 2748, the Intel-

and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty."

Mr. PELL. Mr. President, I strongly commend to the Senate the measure now before this body, the Arms Control and Disarmament Amendments Act of 1989.

The amendment being offered today contains the mutually acceptable provisions of both the House bill, H.R. 1495, and an original bill, S. 1495, reported on November 9 by the Committee on Foreign Relations.

The amendment authorizes the appropriation of \$36,000,000 for the Arms Control and Disarmament Agency in fiscal year 1990 and \$37,316,000 for the Agency in fiscal year 1991.

The amendment also sets forth special responsibilities for the Deputy Director in the areas of administration management, intelligence, and security. A report of the Office of the Inspector General this spring made it very clear that the Arms Control and Disarmament Agency has had some significant problems in these areas in recent years. The immediate past Director, Gen. William Burns, and the Deputy Director, George Murphy, accomplished a great deal to improve matters in these problem areas, and I am sure that the current Director, Ron Lehman, and his Deputy, Stephen Hanmer, will continue with that effort. The committee felt it important, however, to ensure that authority and responsibility in these areas shall be placed at the most senior levels in the Agency.

The amendment amends section 27 of the Arms Control and Disarmament Act to recommend that the two special representatives for Arms Control and Disarmament should have specific responsibilities. One of the special representatives, the committee believes, should serve as chief science adviser to the Director, and the other should serve as special representative for conventional arms control negotiations. These changes were made to help ensure that these two areas of activity are headed by fully qualified, senior people with the backing of the Agency's personnel resources.

The committee is concerned about the sharp reduction of resources devoted to research on verification issues and wishes to make certain that verification and compliance are accorded the attention which will be necessary in the years ahead, as intensive and complex verification proposals are agreed upon and implemented. Accordingly, the amendment incorporates a House provision urging the President to establish a working group to examine various verification approaches to strategic arms reduction and other possible agreements and to assess the relevance for such agreements of the

verification provision of the International Nuclear Forces Treaty. Moreover, the amendment contains a provision proposed by the Senator from Massachusetts (Mr. KERRY) calling upon the Agency to allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies and systems.

With regard to implementation and compliance, the amendment incorporates a House provision calling upon the Director of the Arms Control and Disarmament Agency to study and report to the Congress on how the Agency can best meet its responsibilities for managing arms control agreement implementation, coordinating the administrative of the Special Verification Commission and the Standing Consultative Commission and preparing analysis and policy positions on the effective resolution of compliance questions.

The amendment also incorporates provisions on onsite inspection activities. This provision, which is in the House bill as passed, sets forth a number of findings regarding the responsibilities of the Arms Control and Disarmament Agency and the onsite inspection agency with regard to verification and inspection and other systems of international arms control. This section also proscribes how policy coordination for the implementation of onsite provisions should work with regard to the interagency process, the Secretary of Defense and the Director of the Agency. Finally, the section authorizes the appropriation of \$49,320,000 for fiscal year 1990 and \$48,321,000 for fiscal year 1991 for the expenses of the onsite inspection agency in carrying out onsite inspection activities pursuant to the INF Treaty.

Finally, this committee bill includes a provision completely acceptable to both sides, offered by the Senator from Illinois (Mr. SIMON) which calls upon the Director of the Agency to report to the Congress within 180 days "on concrete steps which could be taken to improve prospects for cooperation of significant portions of United States defense industries to produce defense-related activities as opportunities are presented through the achievement of successful arms control agreements."

Mr. President, I believe that this amendment provides a reasonable and practical level of authorization. It will ensure that the Agency is able to perform its expanding duties in a manner that will bring credit to the United States. Other provisions in this legislation will help ensure that ACDA focuses on the areas of greatest need and will do so with improved management and structure.

Mr. President, I have a few points to make about the fiscal year 1990 authorization bill for the Arms Control and Disarmament Agency.

But before I make these points, I congratulate my distinguished colleague the chairman, Senator PELL, for his diligence and leadership in the Foreign Relations Committee's work on this important bill. Senator PELL and I, together with our professional staffs, have cooperated in a spirit of friendship and comity on this bill.

Mr. President, I would make three points at the outset.

First, in my priority, for the first time the bill assigns specific duties to improve security at ACDA to the Deputy Director of ACDA. The ACDA Deputy Director is now assigned specific responsibility for managing the important areas of security and administration. This provision was put in the bill in order to correct the serious security problems that were discovered during the 1983-87 period at ACDA headquarters and at the Geneva negotiations. These security problems were so serious that they required new management at ACDA, and direct attention at the highest management level.

Second, the bill gives the two Special Representatives for Arms Control and Disarmament Negotiations specific assignments in discrete areas. For example, one ACDA Special Representative is now assigned specific responsibilities for the high priority area of conventional arms negotiations.

Third, the bill gives ACDA a more direct role in providing verification policy guidance for the On-Site Inspection Agency. This provision became necessary because OSIA has often ignored verification policy guidance from ACDA.

Mr. President, I believe that these three reforms provided by the new ACDA bill will significantly improve the performance of ACDA.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 1171) was agreed to.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 1495), as amended, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1990—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on H.R. 2748 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.



all the conflict, overlapping, underlapping, and sidewise-lapping easily imagined.

That's what the President and the country face in asking for action. In the New England vernacular, the 579 committees gum up the sawworks.

In fact, if we don't quit babbling about a certain problem in the CONGRESSIONAL RECORD the Russians are going to find out that in this critical session the United States is unable to agree on a national flower.

While we talk about liberty the conditions essential to our liberty are seldom mentioned. One condition is not only a responsive Congress but a workable Congress. Surely, no Congress is responsive that is not highly workable.

The basic business of Congress is necessarily performed in committees. Legislation proposed is referred first to a committee. This is where the overlapping problem starts. In fact, some committees exist in order to bypass other committees known to oppose certain legislation. The 579 total represents the morass.

The chairmanship (very powerful and tied to seniority) of every House and Senate committee goes to the party that has a majority in the body, even if this majority is only one seat. Republicans have controlled Congress and thus held every chairmanship. But the problem was unsolved. The Democrats have held the same power, as they do today. A dead hand remains on the throttle, endangering the national train like Casey Jones.

Nothing important is easy. But Khrushchev flexes. Our Nation's tragic debt and enormous spending are heading us smack toward a devaluation of the American dollar unless the trend is reversed.

Other problems, complex enough to drain the wisdom of the hundred wisest men, face the President, the Congress, and all of us in a common crisis that shakes the world. In our imperiled hour is it too much to ask the Congress to put its own house in order? What are the Senators and Congressmen waiting for?

Surely, the President would help in every way he can. And, if the outnumbered Republicans are anxious to do something, why don't they show more initiative in this? The call for a better Congress is a duty; an overdue duty of Congress itself.

#### PEOPLE ON PUBLIC RELIEF ROLLS

Mr. CLARK. Mr. President, the presiding bishop of the Episcopal Church has spoken out, warning against general criticism of people on public relief rolls.

Opposing an attitude spread by much-publicized recent controversies over public welfare recipients, the Right Reverend Arthur C. Lichtenberger, D.D., clearly points out its dangers in a statement which appeared in the February issue of the Episcopal publication, Churchways.

I ask unanimous consent that the Reverend Lichtenberger's statement be inserted at this point in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The total welfare of people is a basic concern of the Christian religion.

By word and deed the ministry of Jesus was largely given to the personal and social needs of people in trouble. The Christian church has always developed services for the poor and the afflicted. Christians today join with others in supporting a wide range of voluntary social services.

The development of public welfare programs in the United States is a recognition of this Christian and humanitarian concern for human needs. American democracy is best served when broad social welfare programs function under both Government and voluntary auspices.

Public welfare services are matters of justice and should be available to those in need, unrestricted by residence, citizenship, or circumstances of birth. The vast public welfare programs must be under constant supervision and evaluation by public officials and representatives of the people to assure that they meet the changing needs of handicapped people. But we must take great care that the necessary evaluation of programs and their administration does not transpire itself into general criticism of the recipients—the aged, the blind, the sick, children under 18 years of age, and others who cannot defend themselves.

I hope that Episcopalians will join with all men of good will in being alert to the welfare needs of people in their communities, and in supporting the welfare services available to them. This is one way of loving thy neighbor as thyself in our present world.

#### DISARMAMENT

Mr. CLARK. Mr. President, I now desire to speak for a few minutes on the subject of disarmament, the climate toward disarmament in the Senate and in the country, and the prospects for disarmament in the coming conference at Geneva, which convenes on March 14 of this year.

Mr. President, the morning newspapers carry the statement that the President is about to authorize the resumption of nuclear testing in the atmosphere. If he does this, I shall support him because I am confident that he has carefully weighed, on the basis of information not available to me or to most of my colleagues, the basic facts involved in that fateful decision. I am also confident he would not and will not take this tragic step unless he is convinced it is the only wise way to maintain our national security and our freedom. If atmospheric nuclear testing is to be resumed, obviously there is merit to making the decision before the disarmament conference meets.

There are those who will say that the resumption of nuclear testing, combined with the critical condition in Berlin, in Vietnam, in Laos, and in many other parts of the world, makes this a most inopportune time for the convening of a new conference on the perennial subject of world peace, world law, and disarmament.

I am not in accord with this view. I do not believe that the uncertain political condition of the world and the resumption of nuclear testing mean that disarmament cannot be brought about as a result of intelligent diplomacy on the part of the members of the 18-nation disarmament conference.

When it is the darkest it is frequently just before the dawn. In business, in the law, and in other instances when men come together to negotiate, frequently the break or the agreement comes at a time when things seem most hopeless, at a time when both sides are of the view that no progress is possible, but each is

determined to make one more effort to achieve a mutually desired result.

So, Mr. President, I suggest that we should look forward to the disarmament conference in the hope that something meaningful can come out of it.

In considering that conference, we must give some thought to what is the position of the Government of the United States. I think that position has been substantially misunderstood both in the country and in the Congress. One reason for my so thinking arises from a relatively short insertion in the RECORD made by my good friend the junior Senator from Texas (Mr. Tower) on January 29 of this year, which appears in the RECORD at page 1043.

I ask unanimous consent, Mr. President, that my colleague's comments and a column which he introduced into the RECORD at that point, written by a man named Ken Thompson, published in a Dallas newspaper, entitled "One, Two, Three—Surrender," may be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### THE SURRENDER OF AMERICAN RIGHTS AND SOVEREIGNTY

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Every day more and more people share a growing concern for the preoccupation of the State Department and some people in high places with the issue of disarmament. I think we all look forward to the day when men will "beat their swords into plowshares and their spears into pruning hooks." But at a time when Western civilization is confronted by an extreme militaristic threat looking toward world conquest, I think it is naive and unrealistic to be preoccupied with the question of disarmament. We know that the Communist conspiracy has no intention of coexisting with us. We know that they are bent on domination of the whole world. I think we show weakness in the eyes of all other nations at this time in talking of disarmament.

In this connection, I ask to have printed in the RECORD a very fine editorial entitled "One, Two, Three—Surrender," by Ken Thompson, editorialist at Dallas, published in the Dallas Morning News of January 23, 1955.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### ONE, TWO, THREE—SURRENDER (By Ken Thompson)

"One of the most incredible documents ever to emerge from the foggy corridors of the State Department is a bulletin entitled 'Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World.' As skeptical as I have always been of the measure of good sense and loyalty within the State Department, I never would have believed that these people we call our diplomats could so completely and unabashedly advocate the surrender of American rights and sovereignty until this bulletin appeared.

"What it amounts to, in effect, is the official U.S. position on the subject of disarmament. More specifically, it is the basis of proposals which have already been submitted to the United Nations by the United States.

"Although this bulletin was published last fall and is available for just 15 cents from the Government Printing Office in Washington, there has been very little attention paid to it.



"(D) develop a national network of professionals in the field to serve as consultants and to link such individuals with persons and agencies requiring assistance; and

"(E) identify emerging issues with respect to child welfare, developmental disabilities and maternal and child health, particularly as such issues related to pre- and post-natal alcohol, drug and pediatric HIV exposure.

"(3) Among the groups to be given priority for these services under this provision are those who are drug or alcohol addicted, individuals with acquired immune deficiency syndrome, minorities, limited English proficient individuals, or those individuals who have been statistically and historically underserved by such information services and dissemination. Information on prevention and services shall also be distributed to the communities of such individuals.

"(4) The Secretary shall enter into contracts or cooperative services under this subsection for periods of not less than 3 years. The Secretary shall extend the contract or grant for 2 additional consecutive 1-year periods absent a finding by the Secretary of substantial nonperformance."

"(3) In paragraph (1)(A) of subsection (c) (as so redesignated), by inserting after "infants who have acquired immune deficiency syndrome", the following: "or those who are pre- or post-natally exposed to the etiologic agent for the human immunodeficiency virus, drugs or alcohol, or who are medically fragile," and

"(4) In paragraph (2) of subsection (d) (as so redesignated), by striking "April 1, 1991" and inserting "April 1, 1992".

#### SEC. 1. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking "SEC." and all that follows through "the term" and inserting the following:

#### "SEC. 103. DEFINITIONS.

"For purposes of this title:

"(1) The term"; and

(2) by adding at the end the following new paragraph:

"(2) The term 'natural family' shall be interpreted to include natural parents, grandparents, familial members (including all siblings and children resident in the household), and others (on a continuing basis) who reside in the household and are in a care-giving situation with respect to infants and young children covered under this Act.

"(3) The term 'medically fragile' includes those infants and young children who exhibit medical, physical or developmental conditions occasioned by pre- or post-natal alcohol and drug exposure."

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking "For the purpose" and all that follows and inserting the following:

"(a) DEMONSTRATION GRANTS IN GENERAL.—For the purpose of making grants under section 101(a), there are authorized to be appropriated \$15,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(b) COMPREHENSIVE SERVICE CENTERS.—For the purpose of making grants under section 101(b), there are authorized to be appropriated \$1,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

"(c) EVALUATIONS OF DEMONSTRATION PROJECTS.—For the purpose of making grants under section 102(a), there are authorized to be appropriated \$1,500,000 for fiscal year 1992, and such sums as may be

necessary for each of the fiscal years 1993, 1994, and 1995.

"(d) SPECIAL NEEDS DISSEMINATION.—For the purpose of making grants under section 102(b), there are authorized to be appropriated \$5,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

#### "(e) ADMINISTRATIVE EXPENSES.—

"(1) In addition to the funds authorized above, there shall be an amount authorized for the purpose of administering this program of 5 percent of the amount appropriated for the programs in fiscal years 1992, 1993, 1994, and 1995.

"(2) The Secretary may not obligate, any of the amounts appropriated under paragraph (1) for a fiscal year unless, from the aggregate amounts appropriated under subsections (a) through (d) for the fiscal year, the Secretary has obligated for the purpose described in paragraph (1) an amount equal to the amounts obligated by the Secretary for such purpose in fiscal year 1991.

"(f) AVAILABILITY OF FUNDS.—Funds appropriated under this authority shall remain available until expended."

#### SEC. 7. CONFORMING AMENDMENT.

The heading for title I of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by adding at the end the following: "AND ABANDONMENT PREVENTION PROGRAMS".

#### SEC. 8. TERMINATION OF PROGRAMS.

Section 105 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

MOTION OFFERED BY MR. PAYNE OF NEW JERSEY

Mr. PAYNE of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PAYNE of New Jersey moves to strike all after the enacting clause of the Senate bill, S. 1532, and to insert in lieu thereof the text of H.R. 2722, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read, "A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2722) was laid on the table.

#### CONVENTIONAL FORCES IN EUROPE TREATY IMPLEMENTATION ACT OF 1991

Mr. PASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3807) to amend the Arms Export Control Act to authorize the President to transfer battle tanks, artillery pieces, and armored combat vehicles to member countries of the North Atlantic Treaty Organization in conjunction with implementation of the Treaty on Conventional Armed Forces in Europe.

The Clerk read as follows:

H.R. 3807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Conventional Forces in Europe Treaty Implementation Act of 1991".

#### SEC. 2. AUTHORITY TO TRANSFER CERTAIN CPE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS.

The Arms Export Control Act is amended by adding at the end the following:

#### "CHAPTER 8—TRANSFER OF CERTAIN CPE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS

##### "SEC. 81. PURPOSE.

"The purpose of this chapter is to authorize the President to support, consistent with the CPE Treaty, a NATO equipment transfer program that will—

- "(1) enhance NATO's forces,
- "(2) increase NATO standardization and interoperability, and
- "(3) better distribute defense burdens within the NATO alliance.

##### "SEC. 82. CPE TREATY OBLIGATIONS.

"The authorities provided in this chapter shall be exercised consistent with the obligations incurred by the United States in connection with the CPE Treaty.

##### "SEC. 83. AUTHORITIES.

"(a) GENERAL AUTHORITY.—The President may transfer to any NATO/CPE country, in accordance with NATO plans, defense articles—

"(1) that are battle tanks, armored combat vehicles, or artillery included within the CPE Treaty's definition of 'conventional armaments and equipment limited by the Treaty';

"(2) that were, as of the date of signature of the CPE Treaty, in the stocks of the Department of Defense and located in the CPE Treaty's area of application; and

"(3) that the President determines are not needed by United States military forces within the CPE Treaty's area of application.

"(b) ACCEPTANCE OF NATO ASSISTANCE IN ELIMINATING DIRECT COSTS OF TRANSFER.—In order to eliminate direct costs of facilitating transfers of defense articles under subsection (a), the United States may utilize services provided by NATO or any NATO/CPE country, including inspection, repair, or transportation services with respect to defense articles so transferred.

"(c) ACCEPTANCE OF NATO ASSISTANCE IN MEETING CERTAIN UNITED STATES OBLIGATIONS.—In order to facilitate United States compliance with the CPE Treaty-mandated obligations for destruction of conventional armaments and equipment limited by the CPE Treaty, the United States may utilize services or funds provided by NATO or any NATO/CPE country.

"(d) AUTHORITY TO TRANSFER ON A GRANT BASIS.—Defense articles may be transferred under subsection (a) without cost to the recipient country.

"(e) THIRD COUNTRY TRANSFERS RESTRICTIONS.—For purposes of sections 3(a)(2), 3(a)(3), 3(c), and 3(d) of this Act, defense articles transferred under subsection (a) of this section shall be deemed to have been sold under this Act.

"(f) MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.—The President shall ensure that transfers by the United States under subsection (a), taken together with transfers by other NATO/CPE countries in implementing the CPE Treaty, are of such valuations so as to be consistent with the United States policy, embodied in section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(g) EXPIRATION OF AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority of subsection (a) expires at the end of the 40-month period beginning on the date on which the CPE Treaty enters into force.

“(2) **TRANSITION RULE.**—Paragraph (1) does not apply with respect to a transfer of defense articles for which notification under section 84(a) is submitted before the end of the period described in that paragraph.

“**SEC. 34. NOTIFICATIONS AND REPORTS TO CONGRESS.**

“(a) **NOTIFICATIONS.**—Not less than 15 days before transferring any defense articles pursuant to section 83(a), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications pursuant to section 834A of the Foreign Assistance Act of 1961.

“(b) **ANNUAL REPORTS.**—Not later than February 1 each year, the President shall submit to the Committee on Foreign Affairs and the Committee and Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that—

“(1) lists all transfers made to each recipient NATO/CPE country by the United States under section 83(a) during the preceding calendar year;

“(2) describes how those transfers further the purposes described in paragraphs (1) through (3) of section 81; and

“(3) lists, on a country-by-country basis, all transfers to another country of conventional armaments and equipment limited by the CPE Treaty—

“(A) by each NATO/CPE country (other than the United States) in implementing the CPE Treaty; and

“(B) by each Warsaw Pact country in implementing the CPE Treaty.

“**SEC. 35. DEFINITIONS.**

“As used in this chapter—

“(1) the term ‘CPE Treaty’ means the Treaty on Conventional Armed Forces in Europe (signed at Paris, November 19, 1990);

“(2) the term ‘conventional armaments and equipment limited by the CPE Treaty’ has the same meaning as the term ‘conventional armaments and equipment limited by the Treaty’ does under paragraph 1(J) of article II of the CPE Treaty;

“(3) the term ‘NATO’ means the North Atlantic Treaty Organization;

“(4) the term ‘NATO/CPE country’ means a member country of NATO that is a party to the CPE Treaty and is listed in paragraph 1(A) of article II of the CPE Treaty within the group of States Parties that signed or acceded to the Treaty of Brussels of 1948 or the Treaty of Washington of 1949 (the North Atlantic Treaty); and

“(5) the term ‘Warsaw Pact country’ means a country that is listed in paragraph 1(A) of article II of the CPE Treaty within the group of States Parties that signed the Treaty of Warsaw of 1955.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FASCELL) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. BROOKFIELD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3807, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 3807 authorizing the President to transfer certain limited equipment pursuant to the CPE Treaty. One year ago, on November 19, 1990, 22 nations met at a summit of the Conference on Security and Cooperation in Europe in Paris and signed the Treaty on Conventional Armed Forces in Europe (CPE Treaty). The CPE Treaty is an agreement that mandates reductions and limits on military equipment such as tanks, armored vehicles, artillery, combat aircraft, and helicopters in Europe from the Atlantic Ocean to the Ural Mountains. This treaty is another major arms control achievement of the post-cold-war era. It culminates a long, arduous process of negotiations between NATO and the Warsaw Pact on force reductions in Europe which began in 1973, but didn't become a realistic opportunity until the Berlin Wall came down.

The CPE Treaty requires that each state which is a party to the treaty submit extensive data on its military forces, adhere to detailed provisions for the destruction or conversion of excess equipment, and open military installations to intrusive inspection.

The CPE Treaty was formally submitted to the Senate on July 1, 1991. The Senate Foreign Relations Committee reported the CPE Treaty to the full Senate today along with the implementing legislation we are now considering. The Senate is scheduled to consider and give its advice and consent to this treaty on Thursday.

The legislation that we are considering today is a key component of the CPE Treaty and is considered to be part of the implementation of that treaty. Specifically, the transfer program authorized by this legislation would enable the United States, Germany, and other allies to adjust their reduction liabilities by transferring treaty limited equipment to other allies, allowing the Alliance to achieve an effective overall defense capability at lower force levels. I would like to also point out that this is a NATO program and not solely a U.S. portion representing only 30 percent of the overall program. Therefore, 70 percent of the costs associated with the program will not be incurred by the United States and 70 percent of the actual equipment transfers will come from other NATO member countries.

Briefly the legislation:

Clarifies that the transfers are consistent with the obligations incurred by the U.S. and other allies in connection with the CPE Treaty.

Limits the articles eligible for transfer only to battle tanks, armored

combat vehicles, or artillery included within the CPE Treaty's definition of conventional armaments and equipment limited by the Treaty.

Clarifies that the United States will not incur any additional costs for such transfers.

Includes language concerning the military balance in the Eastern Mediterranean; and

Stipulates congressional reporting requirements prior to any transfer.

This legislation does not include authority requested by the executive branch concerning follow-on support for the initial transfers. This language was deleted to reflect concerns raised by some of our colleagues and with the concurrence of the executive branch.

I would like to commend my colleagues on both sides of the aisle of the Foreign Affairs Committee and also on the Armed Services Committee for working with us to fashion this legislation which now enjoys broad bipartisan support. I would also note that this legislation in its current form is fully supported by the executive branch.

In closing, Mr. Speaker, I would like to express my support for the legislation before us and for the CPE Treaty. I believe this treaty enhances stability and security in Europe and that this implementing legislation further complements the treaty objectives and I urge my colleagues to support this measure.

I include for the RECORD the fact sheet on this subject.

THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE

INTRODUCTION

For more than four decades, the tragic division of Europe was maintained by the massive conventional forces of the Soviet Union and its Warsaw Pact allies. The mobility, firepower and disproportionate size of this force, and its capacity for surprise attack, constituted a major threat to the West. The signing of the Treaty on Conventional Armed Forces in Europe (CPE), on November 19, 1990, signalled the end of the Soviet Union's military dominance of Europe and locked in the welcome political changes of the previous year. In doing so, it fulfilled one of NATO's long-held ambitions to lower and equalize conventional force levels from the Atlantic to the Urals and thereby enhance the security and stability of all of Europe.

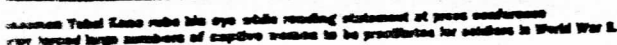
Implementation of the CPE Treaty will involve one of the largest disarmament programs in history. The Soviet Union alone will have to destroy the military capacity of many thousands of tanks, artillery and other pieces of equipment. Furthermore, it will constrain Soviet conventional forces even within the Western Soviet Union. When the Treaty is fully implemented, the Soviets will retain in Europe only 35 percent of the equipment they held in 1988. Moreover, a provision of the Treaty known as the “sufficiency rule,” will prevent any nation from creating a conventional force greater than one-third of the total armaments permitted in the area. This provision applies to all Treaty signatories. However, in practice, it only affects the Soviet Union. Finally, the CPE Treaty will, through a system of re-



The fall in U.N. military science in Mogadishu also is attributed to sensitivity within the world body to the outcry after the helicopter attack. Criticism mounted from Somalia, from relief agencies and from within the United Nations, where many charged that the an-

The U.N. report said the U.S. operations in Somalia was "applying military methods traditionally found in declared war/combat areas without a U.N. declaration of war/combat."

The explosion followed a night of clashes between U.N. forces and Somali gunmen. Stacivell said six mortars were fired at the U.N. headquarters inside the former U.S. embassy compound here. No injuries were reported.



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seeking monetary recompense now. Several in South Korea have sued for redress in Japanese courts. But Japanese civil suits take so long that the elderly women involved could die before a verdict comes down.

South Korea today said, "We ap-

preciate the fact that ... the Japanese government now acknowledges coercion was involved in ... recruiting, transporting, and managing 'comfort women.' But it said it expects Japan to continue investigating the issue.

## Top Clinton Aides Back U.N. Peacekeeping Plans

**POLICY: From A**

~~Another U.S. source says there is~~  
~~no direct or substantial connection.~~

The SECRETARY OF DEFENSE and COMMISSIONER OF DEFENSE respectively, POD-11 and POD-12, final live months, contention interagency debate over the best response to a world full of post-Cold War ethnic and national conflict. The new policy comes at a time of unprecedented growth in demands for U.N. intervention, and amid serious problems with major operations in Somalia and the Balkans.

In 1972, according to briefing charts prepared by the Pentagon's Joint Staff, the United Nations had about 10,000 peacekeepers deployed for an annual cost of \$819 million. By this year, there were more than 60,000 U.N. peacekeepers deployed with annual bills exceeding \$1.6 billion.

The final draft of RDD-13, approved in a July 14 interagency meeting of senior officials and obtained by The Washington Post, respects Secretary General Beust's criticism of the State Dept. and calls for a new, more powerful, and more flexible force for the system, it would transfer some of the State's responsibilities to the independent agencies.

The Pentagon, in the words of one officer, "spoke a major dose of cold reason" to more ambitious proposals from the State Department and National Security Council staff.

The presidential directive is in the form of a memorandum to the Joint Chiefs of Staff from the president. It says the United States will neither "mark" U.S. military units for U.N. peace operations nor even promise in advance to supply generic capabilities, such as combat engineering or air cover. Instead, Washington will list a set of capabilities that it may be willing to contribute "on a case-by-case basis."

The effect of that constraint, according to one disappointed administration advocate of greater commitment, leaves the world body in the position of "bouncing up a person" every time it considers a serious intervention. At the same time, the presidential directive prohibits a "broad New Deal" extension of UNCTAD activities "beyond its international peace and security, economic, social and technical assistance, and technical cooperation functions." The president's order also states that UNCTAD should not "be used as a platform for the promotion of political or ideological views."

The policy allows for U.S. troops to be sent to the South Vietnamese command of a U.S. commander. South Vietnam has experienced a long way in South Vietnam. The American military has been in South Vietnam since 1955. The first president since the Korean War to place American troops under the South Vietnamese command.

But in a controversial hedge, the directive orders U.S. commanders in such operations to maintain separate reporting channels to highest U.S. military authorities and disallow U.N. orders which they judge to be illegal, outside the agreed U.N. mandate or "militarily imprudent and unwise." The United States will also reserve "the right to terminate the participation of the U.S. unit . . . and to take whatever

test them if they are endangered,  
the director says.

Although Pentagon officials insisted on their innocence, they acknowledged that they make for what one called "a double-edged sword."

"If we're in charge, do we want the Turks to say, 'I don't like this order?'" asked one officer who has closely followed the debate. "It's going to cause us more problems as we try to sell this to other nations in the U.N."

Modeline K. Albright, U.S. ambassador to the United Nations, acknowledged in a closed-door talk to Army leaders last Thursday that the responsibilities of national defense require heavy lifting for troops committed and control problems in a U.N. force, according to a Los Angeles Times report.

Those problems are already manifest in Somalia. Italian forces in Mogadishu have conducted military operations and negotiations there without notifying Turkish Lt. Gen. Cevik Bir, the operation's overall commander, and they have released direct orders to attack Somali militia. Small contingents from Kuwait and Saudi Arabia have threatened to reinforce Bir's commands, and a 1,374-man American quick reaction force was sent abroad under Bir's

"If that is the wave of the future, the folks here pretty well," said another Army official.

But a senior administration official who has played a central role in drafting the new policy initiative insisted that the lodge against "imprudent" orders would not justify the behavior of the Italians. He said it is intended only to stop reckless tactical moves, not disagreements over a mission's larger strategy.

A central aim of PDD-13 is to boost the ~~economic~~ ~~state~~ and resources of the U.S. military head-quarters ~~and~~ ~~the~~ ~~U.S.~~ ~~Soviet~~ ~~democratic~~ and unaccustomed to ~~accidental~~ responsibility

The initiative gains its more dramatic results by the fact that the government is working to create a new, more efficient system of social security. The Social Security Administration is reviewing the U.S. system, the director says, and will have a report in two months. The report will be a study of the system, not a study of the system's problems, he says. The report will be a study of the system, not a study of the system's problems, he says.

Unwilling to pay for most of this, the Clinton administration is directing Albright to begin recruiting donors, "focusing on Japan and Germany," to expand the peacekeeping effort.

Within the administration, the State and Defense departments have been battling for months to control the newly important budgets and policy decisions on peace operations. The dispute flared Tuesday at a closed meeting of the Senate Armed Services and Foreign Relations committees attended by senior Pentagon, State and National Security Council staff officials. "It was abruptly ended after the administration embarrassed itself by not speaking with one voice," said one congressional official.

Send money to Jeffrey Smith

# ND THE WORLD

against the oil-rich West African  
democracy.

## Sets November Elections

**N. Jordan**—Jordan met Nov. 8 as the country's first multi-party general since 1956 and King Hussein dissolved house of parliament to allow it to begin.

political parties, including Muslim Christians and leftists, have been licensed since 1967, when Jordan lifted a ban that imposed in 1957. Independents and others are also expected to compete. In the last general election, in 1989, more than 100 independents because all parties were still banned.

#### 4 Car Bomb Wounds 2

**A Cyprus**—A car bomb exploded outside hospital, shattering windows and at least two people, the Israeli said. It accused him of carrying terrorist blast.

Foreign Ministry Spokesman Mar  
and called the accusations "defame  
people."

Information Ministry statement said  
it was issued when the car was

exploded near the Ras al-Sitar Hospital. The statement did not identify the wounded, or say how far the blast was from the hospital.

Several government facilities, including a state radio and television complex, are in the area. The Information Ministry and the al-Rashid hotel are several blocks away.

### New Cuban Economic Team

■ **HAVANA**—Cuba's Communist government replaced four ministers in a shake-up of key economic posts that signaled its determination to confront the island's economic crisis.

The ruling Council of State headed by President Fidel Castro named Albreto Jordán Morales, Nelson Torres Pérez, Gen. Silvano Cobas Sánchez and José Luis Rodríguez García as the new ministers for agriculture, sugar, communications and finance.

Foreign diplomats in Havana said the charges confirmed Castro's declared intention to tackle the island's crippling economic crisis, aggravated by flagging food production and a disastrous sugar harvest.

Last week, Rodriguez told foreign reporters he favored the introduction of monetary, tax and exchange rate policies and limited market

mechanisms is overlaid the concept



# Visits Lebanon by Armored Convoy

Prime Minister Rafiq Hariri, Foreign Minister Fares Bawes and Nabih Berri, speaker of parliament and leader of the Shiite Amal organization.

The trip was described by U.S. officials as a key part of Christopher's efforts to reinvigorate the Middle East peace process.

In the fighting last week, more than 130 people were killed by Israeli shelling and bombing of southern Lebanon. Hundreds of thousands of Lebanese civilians were forced to flee north.

The cease-fire went into effect last week-end after Christopher persuaded Assad to use his influence to stop Lebanese Shiite guerrillas of the Muslim fundamentalist group Hezbollah, from firing rockets into northern Israel, where two Israelis had been killed. In return, Prime Minister Yitzhak Rabin agreed to halt the Israeli attacks.

In the meeting here, Christopher said, he urged the Lebanese to stay with the peace process. He also said the United States is donating food, medical supplies and other disaster relief material for southern Lebanon.

This morning, Christopher flew from Jerusalem for the three-hour meeting in Damascus with Assad. Afterward, Syrian Foreign Minister Faruq Charas said Christopher's efforts last week and his visit here had "navigated the peace process from being buried under the rubble of the brutal Israeli attack on Lebanon."

Syria's negotiations with Israel over return of the Golan Heights, captured by Israel in 1967, are a vital part of the drive to achieve a comprehensive peace process. Christopher said he had brought no new ideas on how to break the stalemate between Syria and Israel. But he said he would "report faithfully to Prime Minister Rabin what I heard here today."

"It is going to be a long process," Christopher said. "I hope the deadlock in these discussions may be the process of breaking, but I don't want to encourage any false expectations."

Charas was asked about charges last week by Rep. Tom Lantos (D-Calif.) that the Assad government has allowed missiles and other weaponry from Iran to pass through Syria to Hezbollah forces in southern Lebanon.

"The information the congressman has is absolutely false," Charas said. "Sixteen years of war have turned Lebanon into a jungle of weapons. The guerrillas are able to get all the weapons they need."

Charas also denied that Syria is not keeping its promise to allow the approximately 1,200 Jews still remaining in Syria to leave. He said, "Free travel is allowed for all Syrian citizens, including, certainly Syrian Jews."



Christopher talks with Lebanese Foreign Minister Bawes in Zafra after 3 1/2-hour drive from Damascus.

## Doesn't Fit School

ford Professorships

women students. Some of the colleges lack women's change-rooms for sports.

In year, the university created a nursery for pre-school children and graduate students and plans to create more. It arrives far too late for many, a single mother who is grateful for some after-care for her 10-year-old son. The old boys atmosphere is unchanged for the faculty. Some female colleagues at Sonoma State University, former prime minister Margaret Thatcher's alma mater and a men's college until the fall of 1979. But Hornsby is a lone woman among 18 professors at Corpus Christi.

The American universities have affirmative action to promote women and minority academics, is considered discriminatory in England. A recent inquiry panel investigated the abuse at the faculty and found evidence of discrimination. Women apply. While women comprise 40 percent of the graduate population, they are only 23 percent of applicants to elite programs, and 20 percent of applicants to entry-level professions. As a result, there is no pool of women candidates for senior professorships.

In 1991-92, one university off-tenured out 30 percent of the faculty at the university was female, although only 21 percent of applicants were women. They do have very small number of men and old traditions do die. But there's more change going on than people give us credit for. Rebecca Nestor, the university's equal employment officer, said Deech, the head of the for-women's college St. Anne's, the imbalance had more to do with a failure to accommodate women's needs than with overt discrimination.

For years I've watched my male colleagues sit in the library all day, research, take a break for coffee, and then come back in the evening," said Deech, who taught for many years. "Women have too much to do because of their home responsibilities. Their working lives are terribly circumscribed. They have no spare time, that is magnified when it comes to mothers."

He added: "You've got to give men a level playing field. To say that means day care, after-school care, holidays, more time off, ways to give women a year off—they don't have to teach so much publish."

The debate is the first major movement for change since 1987, pressure from female faculty over representation led to the



## U.S. Will Try to Mediate Ex-Soviet States' Disputes

RUSSIANS, From A1

have signaled their own alarm in recent months by quietly seeking U.S. and United Nations support for the Russian deployment of international peacekeeping forces in countries on Russia's periphery that are beset by ethnic, tribal officials have responded warily because of their estimate that no nation, other than Russia, would likely contribute troops to such a deployment.

As part of the new U.S. strategy to quiet these conflicts, Secretary of State Warren Christopher has appointed the deputy chief of the U.S. Embassy in Moscow, James Collins, to be a coordinator for regional affairs under Ambassador at Large Strobe Talbott in the State Department's Office of Newly Independent States.

Collins' principal assignment, according to a senior official, will be "diplomatic arbitrage"—or mediation—between the parties to these disputes, so long as they welcome it. His leverage, the official added, lies partly in the fact that many of the parties have better relations with Washington than with each other or with Moscow.

Washington's leverage also comes from U.S. plans to provide roughly \$1.7 billion in economic assistance to Russia in 1993, a sum that is subject to the status of Russia's borders, the official said. The official's remarks suggested that Washington may seek to condition its aid on the willingness of the requestors to resolve their disputes peacefully.

U.S. officials also said the administration is willing to provide aid to Russia for the future deployment of U.S. peacekeeping forces within the borders of the former Soviet Union, so long as such operations meet special criteria aimed at

ensuring that participating Russian troops cannot suppress regimes or political groups that are hostile to Russia.

These criteria are spelled out in a new policy directive on international peacekeeping operations issued by senior U.S. officials and a senior President Clinton's spokesman. The document contains a separate section on peacekeeping operations in the former Soviet Union, stipulating that such operations must be welcomed by all parties to the dispute, adopt a neutral stance,

**The United States would, in principle, support using U.N. peacekeepers in the former Soviet Union.**

respect all borders, preserve democratic policies, be of limited duration and remain under strict political control by U.N. officials in New York.

A copy of the directive, obtained by The Washington Post, states that while the United States may encourage various regional military organizations to supervise and carry out peacekeeping operations elsewhere in the world, it will oppose extending that authority to the Commonwealth of Independent States, the loose-knit political union formed by Russia and some other former Soviet republics.

"The United States should make clear to Russia that United Nations oversight of any operation will be real and ongoing and could result in

U.S.-Russia policy differences over the mandate, scope, and even advisability of such operations in the directive states.

The United States also will not support U.N. payments to Moscow for peacekeeping activities by Russian troops in former Soviet territory, the directive says. It will instead support, and likely contribute to, a voluntary fund that could underwrite such efforts. While U.S. military participation in such peacekeeping operations has been ruled out, it is considered extremely unlikely, U.S. officials said.

A U.S. official said concerns about Russian military activities outside Russian borders have recently been fueled by signs of "nationalism for the empire" among some prominent Russian officials—not including Yeltsin. The official noted that when Rep. Tom Lantos (D-Calif.), who visited Moscow in April, asked Russian Vice President Alexander Lukashenko why his staff still displayed a large map of the Soviet Union, Lukashenko replied that the country was in a transitional state and the map may eventually be accurate again.

During Clinton's meetings with Yeltsin at the Vancouver and Tokyo summits this year, Clinton "registered strong concern about what was happening in Georgia" and sought assurances that Russian military forces were playing only a constructive role there, a U.S. official said.

Yeltsin denied any knowledge of improper activities, causing some officials to conclude that Yeltsin had not approved the aid given by Russian military forces to Abkhazian rebels, who are fighting against forces allied with Georgian leader Eduard Shevardnadze.

Staff writer Barton Gellman contributed to this report.

## Chile Acts To Calm Military

Rights Cases to Get Extra Judges, Secrecy

By Malcolm Coard



# WORLD NEWS



Vladimir Lukin, Russian Foreign Ministry spokesman.

## UPHEAVAL ON RUSSIA'S SOUTHERN FRONT



Georgian separatist movements and Russia's military presence in the Caucasus region.

## Civil Wars in Ex-Soviet Republics Draw Russia Into Troubled Morass

By James H. Humes Jr.

Special to The Washington Post

MOSCOW, July 14—Russia and the 28 of the ex-Soviet republics have been locked in a struggle since the Soviet Union's collapse last year. The struggle is now being fought on a new front: the Caucasus region, where Russia is trying to maintain its influence.

Georgia, Armenia, and Azerbaijan are the three main players in the Caucasus. Georgia is a small country in the Caucasus, but it is a strategic location. It is a crossroads between Europe and Asia. It is a key to the Black Sea. It is a key to the Caucasus. It is a key to the world.

Continued on Page 1

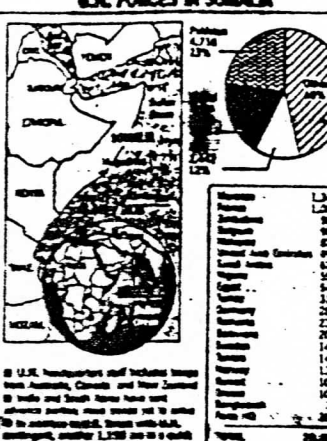
## U.N. Removes Italian General Impeding Somalia Operation

By John P. ...

Special to The Washington Post

UNITED NATIONS, July 14—The United Nations Security Council has voted to remove Italian General ...

## U.N. FORCES IN SOMALIA



U.N. forces in Somalia, including troops from various countries.

*"Moscow is increasingly being plunged into an alien war that it does not need."*

Continued on Page 1

## Killing of Cardinal Points Up Drug Traffickers' Inroads in Mexico

By Ted ...

Special to The Washington Post

MEXICO CITY—A senior Mexican official has said that the killing of Cardinal ...

Cardinal ...

Cardinal ...

Cardinal ...



Cardinal ...

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# Weather

Federal Reserve money, warm.  
High 87. Low 66. Wind 6-13 mph.  
Tomorrow: Partly sunny, warm.  
Normal: High 87. Wind 6-13 mph.  
Yesterday: Temp. range: 66-86.  
AQI: N/A. Details on Page D2.

# The Washington Post

116th Year No. 247

MONDAY, AUGUST 9, 1993

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90 Food  
91 Health  
92 Pets  
93 Arts  
94 Home  
95 Autos  
96 Real Estate  
97 Classifieds  
98 Jobs  
99 Travel  
100 Automobiles



The Rev. Gerald Blackwell helps clean up houses owned by members of his church in Le Grange, Mo. She wears much because of damage from flooding.

## Making a Ruined House a Home Again

By Ben Aronson  
Business Post Staff Writer

**MONKEY RUN, Mo.**—Cars sit under drying trees, coated with mud so if they'd been painted that way. Cornfields are matted expanses of brown, broken stubble. Nothing green is left in any yard—only mud, liquid and gooey, or else hardened to a thick, cracking clay.

Small Missouri towns and farmlands far north of St. Louis resemble ravaged battle zones. Television sets lie on their sides in ruined fields. A reinforced-concrete sink collapses against a barn. Houses inhabited a few short weeks ago now have the hollow, boarded-up look of buildings abandoned for decades.

As the flood waters slowly begin to recede, these Missouri communities along the Mississippi River—Le Grange, Alexander, Taylor, Monkey Run—are among the first to reveal a fresh set of horrors: how a flood zone looks after a flood of historic proportions, and just how much backbreaking labor and expense are involved in trying to make these spots livable again.

"It's just unbelievable. I can't get over it," said Floyd Veygel, as he stared at the remains of his neighbor's house on Route 34 East near West Quincy. The force of the river current has crumbled the brick walls of the ranch-style house so if it were hit by dynamite, the big barn is nothing but a shell. Thatches of up-

rooted oaks still cling to the muddy floors. "You would think a hurricane had come through here," Veygel said.

It will be weeks before flooded areas near St. Louis and points south dry out enough for residents to begin their cleanup, according to the Army Corps of Engineers. But here, along Routes 24, 61 and 70, through fields tightly grown with soybeans and tall corn on one side and barren lawns with dying fish on the other, residents are beginning to realize the full extent of their disaster.

The town begins near Hannibal, about 70 miles north of St. Louis, in the small riverside community of Monkey Run. A few days ago, Ben FLOON, 66, Oct. 1

## U.S. Soldiers Killed in Somalia

U.N. ~~Blames~~ Land Mines on Warlord

By Keith B. Richburg  
Washington Post Staff Writer

**NAIROBI, Aug. 8**—The United Nations today said that at least 10 U.S. soldiers were killed in Somalia last week when they were hit by land mines. The deaths marked the biggest single loss of American life in Somalia since the U.S. military intervened there last December to help feed a starving population and wrest control of the war-torn country from warlords.

The United Nations Mission in Somalia (UNMOS) said the deaths occurred on Aug. 7 when U.S. soldiers were on patrol in the town of Mogadishu. The U.N. mission said the soldiers were hit by land mines while they were on patrol. The U.N. mission said the soldiers were hit by land mines while they were on patrol.

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mines or explosive devices," in the words of Pentagon spokesman Lt. Col. Kathryn Ingram. The deaths were the first since the U.S. military intervened there last December to help feed a starving population and wrest control of the war-torn country from warlords.

There were conflicting reports about whether soldiers opened fire on the remaining Americans after the mine explosion. Initial reports said U.S. helicopter gunships and Egyptian and Pakistani troops reacted to the sound, only a mile from the heavily mined area. The U.N. mission said the soldiers were hit by land mines while they were on patrol.

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# 4 U.S. Soldiers Killed by Mine in Somalia



Wide a U.S. helicopter flies overhead, U.S. troops patrol area of Mogadishu where four U.S. soldiers were killed when Hussein's militia hit a land mine.

## President Promises 'Appropriate' Response

### Clinton Rebutts Criticism of Somalia Mission

By Lynne Duke  
Washington Post Staff Writer

President Clinton said yesterday that the United States will take "appropriate action" against those responsible for the deaths of four U.S. soldiers in Somalia, but defended U.S. participation in the United Nations peacekeeping effort there.

But only hours after the soldiers were killed by a land mine, Senate Minority Leader Robert J. Dole (R-Kan.) said the United States should rethink its role in the strife-torn African nation and House Speaker Thomas S. Foley (D-Wash.) said the United States should take strong steps against Mohamed Farah Aidid, the Somali warlord suspected of masterminding the attack.

Dole predicted that congressional pressure for a U.S. withdrawal will build in the coming days, even though Congress is in summer recess.

"We are in active consultation with our U.N. allies about the situation in Somalia," Clinton told reporters yesterday as he left church. "We've proceeded through the U.N. as

neither U.S. nor U.N. officials said he was certain that he and his militia forces were responsible for the attack.

"We shouldn't allow this cat-and-mouse game to go on in which Americans take casualties and Aidid escapes capture," said Foley. "If we don't suppress this last pocket of active attack on our forces, I think we are going to see other casualties."

Foley said it would be "tragic" if the peacekeeping forces were forced out of Somalia by Aidid. "It would be a sad commentary on the effectiveness of both the U.N. mission and our participation in it."

But Dole, appearing on NBC's "Meet the Press," said that the time "may be close" for a U.S. withdrawal. He said he would support such a move, although "I would hate to give up on this mission. . . I think it's time to reassess it."

He noted that other senators, such as Appropriations Committee Chairman Robert C. Byrd (D-W.Va.), question whether the aid. Biden has gotten away from "our original mission, which was humanitarian."

#### SOMALIA (From A1)

Three soldiers and one civilian employee of the United Nations were killed by a land mine in Mogadishu yesterday. Three other U.N. personnel were wounded. The mine was placed in a heavily traveled area of the city. The mine was placed in a heavily traveled area of the city. The mine was placed in a heavily traveled area of the city.

Today's incident seemed likely to raise further questions in the United States about the nature and course of a seemingly open-ended American military commitment in Somalia.

What happened months ago is still being investigated. The U.S. military is still investigating the incident.

Since the United Nations took control of the operation in May, about 21 American soldiers have been wounded in Somalia, the vast majority in Mogadishu. They have been shot by gunmen and in drive-by shootings, and by being stepped on in mortar attacks.

On Thursday, a grenade and automatic weapons ambush outside the camp on the road near Ben Daga wounded two soldiers, including Sgt. Jennifer Alberry, 23, of Fort Collins, Colo., believed to be the first female American soldier injured in Somalia.

The night before, Lt. Robert Man, 28, of Fort Drum, N.Y., suffered shrapnel wounds when a mortar was fired into the U.S.

President Clinton, speaking to

reporters after attending church services in the city, said the United States would take "appropriate action" against those responsible for the deaths of the four soldiers.

Clinton administration officials in Washington have privately expressed concern that mounting American casualties, and particularly deaths of U.S. servicemen in guerrilla attacks, might begin to erode support for the Somalia operation, particularly on Capitol Hill. "Anytime you've got Americans out there being shot at, it's a concern," said a senior administration official interviewed recently in Washington.

Learning from the incident in October, the U.S. military is still investigating the incident. The U.S. military is still investigating the incident.

Since the United Nations took control of the operation in May, about 21 American soldiers have been wounded in Somalia, the vast majority in Mogadishu. They have been shot by gunmen and in drive-by shootings, and by being stepped on in mortar attacks.

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President Clinton, speaking to



ambassador compound in Mogadishu. A peace of shrapnel went through one building and into the window of the room where Man was in a meeting, officials said.

The Pentagon identified three of the soldiers killed today as Spc. Mark Gitting, 26, of Grand Rapids, Mich., and Spc. Keith Paeypen, 28, of Juntura, Ore., both of the 977th Military Police Co. based at Fort Riley, Kan., and Sgt. Ronald Richardson, 24, of Fort Worth, Tex., of the 500th Military Police Co. based at Fort Leonard Wood, Mo. The fourth soldier's name was withheld pending notification of relatives.

The U.S. military is still investigating the incident. The U.S. military is still investigating the incident.

President Clinton, speaking to

today's killing seemed certain to prompt a U.S. military response, officials said. In fact, with the United Nations' past involvement against the militia for its alleged involvement in the killing of U.N. troops.

The U.S. army in Somalia, which has a retired U.S. admiral, was quoted by the Associated Press as saying: "We take appropriate action to ensure we defend our people."

U.S. commanders in Somalia said to have a list of several targets for air attacks against the Aidid stronghold. There have been no American offensive actions in Mogadishu since July when Cobra helicopter gunships launched a controversial daylight strike against a key stronghold of Aidid's top advisers, but several of them.

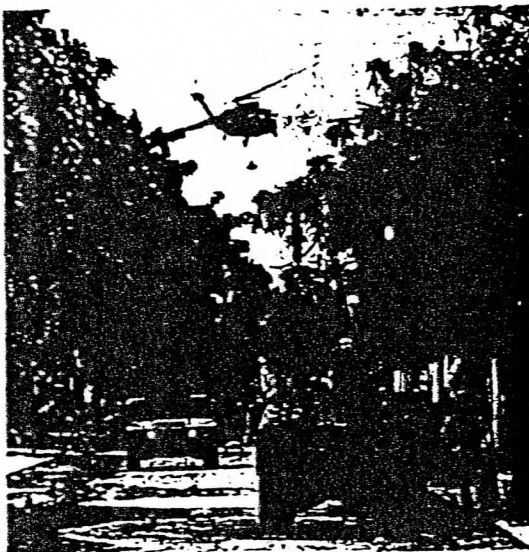
Of the 11,750 U.S. troops deployed in Somalia, 4,019 are American. The rest are from 28 other countries. The United States has the largest contingent, with 1,344 troops. The U.S. military is still investigating the incident. The U.S. military is still investigating the incident.

In a sign of the growing anger in the Somali operation, the Pentagon yesterday decided to allow the American soldiers' hostile pay. The U.S. military is still investigating the incident. The U.S. military is still investigating the incident.

President Clinton, speaking to

# AN OPEN INVITATION TO TEST DRIVE

# 4 U.S. Soldiers Killed by Mine in Soma



While a U.S. helicopter flies overhead, U.N. troops patrol area of Mogadishu where four U.S. soldiers were killed when Russian vehicle hit a land mine.

## President Promises 'Appropriate' Response Clinton Rebutts Criticism of Somalia Mission

By Lynne Duke  
Washington Post Staff Writer

President Clinton said yesterday that the United States will take "appropriate action" against those responsible for the deaths of four U.S. soldiers in Somalia.

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SOMALIA, From A1

three soldiers and one civilian employee of the Army—had been killed by small arms fire or mine explosions before today. Three other soldiers have died in accidents and one committed suicide.

The recent use of land mines appeared to open a deadly new phase in attacks against foreigners in Mogadishu. Another mine attack last week, in the same neighborhood just south of the embassy compound, slightly wounded an American civilian contractor and a U.S. soldier riding in his truck. In that incident, the land mine was concealed in a puddle of water.

Today's incident seemed likely to raise further questions in the United States about the nature and course of a seemingly open-ended American military commitment in Somalia.

What began eight months ago as a strictly humanitarian venture lately has seen U.S. infantrymen bogged down inside a high-walled compound and enduring almost nightly attacks from snipers using grenades, mortars and small arms. At the same time, many of the American troops are complaining that the job of finding and capturing Aided is in the city's dusty, congested alleys is not one for which the U.S. Army is trained.

Sen. Robert C. Byrd (D-W. Va.) already has called for a U.S. withdrawal from Somalia, and today Senate Republican leader Robert J. Dole (R-Kan.) said the time "may be close" for a pullout. House Speaker Thomas S. Foley (D-Wash.) also predicted that today's killings "will spark a heightened debate" on Capitol Hill.

President Clinton, speaking to

reporters after attending church services, condemned the attack but said, "I still believe the U.N. mission was well-conceived and properly undertaken."

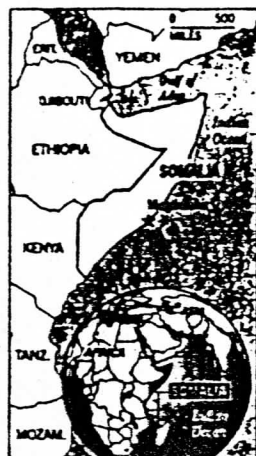
Clinton administration officials in Washington have privately expressed concern that mounting American casualties, and particularly deaths of U.S. servicemen in guerrilla attacks, might begin to erode support for the Somalia operation, particularly on Capitol Hill. "Anytime you've got Americans out there being shot at, it's a concern," said a senior administration official interviewed recently in Washington.

Looming large on the calendar is October, when the initial six-month mandate for the U.N. operation in Somalia expires and funding must be renewed. Administration officials have suggested that if Aided is still at large then, and if U.S. forces are still suffering casualties, a funding renewal of the \$1.5 billion intervention may not be the more technical fix first expected.

Since the United Nations took control of the operation in May, about 21 American soldiers have been wounded in Somalia, the vast majority in Mogadishu. They have been shot by snipers and in drive-by shootings, and hit by flying shrapnel in mortar attacks.

On Thursday, a grenade and automatic weapons ambush outside the city on the road near Bela Dogle wounded two soldiers, including Sgt. Jennifer Alloway, 23, of Fort Carson, Colo., believed to be the first female American soldier injured in Somalia.

The night before, 1st Lt. Robert Mon, 25, of Fort Drum, N.Y., suffered shrapnel wounds when six mortars were fired into the U.S.



BY AP/WIDE WORLD—REUTERS/PHOTO

embassy compound in Mogadishu. A piece of shrapnel went through one building and into the window of the room where Mon was in a meeting, officials said.

The Pentagon identified three of the soldiers killed today as Spec. Mark Gettling, 25, of Grand Rapids, Mich., and Spec. Keith Pearson, 25, of Tavares, Fla., both of the 977th Military Police Co. based at Fort Riley, Kan., and Sgt. Ronald Richardson, 24, of Portage, Ind., of the 300th Military Police Co. from Fort Leonard Wood, Mo. The fourth soldier's name was withheld pending notification of relatives.

No one claimed responsibility for today's attack, and Aided has denied involvement in all previous at-

tacks on U.N. today's killings to provoke a swift A response against A with the United tation against t for his alleged m tacks on peace her

The U.N. army, than Bowe, a re admiral, was quoted Press as take appropriate we defend our per

U.S. commander said to have a list for air assaults Aided struggled been as new An actions in Mogadishu when Cobra hel launched a contr strike against a t sion of Aided's ve several of them.

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In a sign of the r the Somalia oppo gon may recently the American solr pay for service U.S. Army troop s and to wear a c their uniforms.

# AN OPEN INVITATION TO TEST DRIVE THE NEWEST BMW

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U.S. ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL

1979

Publication  
104  
released June 1980

Glenn



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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY  
WASHINGTON, D.C.

OFFICE OF  
THE DIRECTOR

January 30, 1980

Mr. President,

I am pleased to submit for your transmittal to the Congress, as required by the Arms Control and Disarmament Act, as amended, the nineteenth annual report of the U.S. Arms Control and Disarmament Agency.

Sincerely,



Ralph Earle II

The President,  
The White House

TO THE CONGRESS OF THE UNITED STATES

I am pleased to transmit to you the annual report for 1979 of the United States Arms Control and Disarmament Agency. Over the past few years SALT I tended to dominate our thinking about the arms control activities of the United States. It is one of many arms control endeavors which this report will describe.

Last June in Vienna, I signed the SALT II Treaty with Soviet President Brezhnev and submitted it for the Senate's advice and consent to ratification. Since that time, SALT has been the subject of an intense national debate and hearings by three committees of the Senate. In November, the Committee on Foreign Relations reported the Treaty favorably to the Senate.

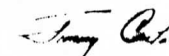
After the Soviet invasion of Afghanistan, however, I asked that the Senate delay consideration of the SALT II Treaty on the floor so that the Congress and the Executive Branch can devote our primary attention to the legislative and other matters required to respond to this crisis. But I intend to ask the Senate to take up this Treaty after these more urgent matters have been dealt with. As I said to you in my State of the Union address, "especially now in a time of great tension, observing the mutual constraints imposed by the terms of (such) treaty will be in the best interest of both countries and will help to preserve world peace." When the full Senate begins its debate on SALT II, I am convinced that those who are concerned about our national security will support the Treaty as a wise and prudent step.

This Administration continues to believe that arms control can make genuine contributions to our national security. We remain deeply committed to the process of mutual and verifiable arms control, particularly to the effort to prevent the spread and further development of nuclear weapons.

Those of you who have an opportunity to read and reflect upon the attached report will find a compelling case for the importance of the work described. For us, our Allies, and those who look to us for leadership in the world, we must diligently pursue negotiated, verifiable solutions to the many arms races upon which nations are now embarked. We must be prepared to work with others to bring peace and stability to the world.

While we depend upon the Arms Control and Disarmament Agency, the Department of Defense, and other agencies to be vigilant in their duties, none of us should forget the danger that confronts us all individually and collectively and that threatens us as a sovereign nation and as a part of the world of nations.

The White House  
March 7, 1980



JIMMY CARTER

# CONVENTIONAL ARMS AND TECHNOLOGY TRANSFERS

The United States has taken the first necessary steps toward a reduction in world trade by exercising qualitative and quantitative restraint in its own arms transfers. In the second full year of implementing President Carter's policy of conventional arms transfer restraint, the legitimate defense needs of friendly Allies were met, while concrete, measurable restraint was shown in the transfer of arms to warring countries. Since meaningful restraint on worldwide arms transfers requires action by suppliers and recipients, the Administration has continued efforts to obtain their cooperation.

The unrestrained transfer of arms—particularly advanced arms—can pose serious risks to U.S. interests by engendering or exacerbating regional instability, thus, increasing the danger of great power confrontation. Moreover, such transfers might compromise sensitive U.S. technology or divert resources from other programs important to the development and stability of friendly nations. The United States and other suppliers have also found that the influence achieved by arms sales may often be short-lived, weakened by disputes over the proper use of arms, government changes in the recipient country, or transfer of arms to hostile hands.

## United States Restraint

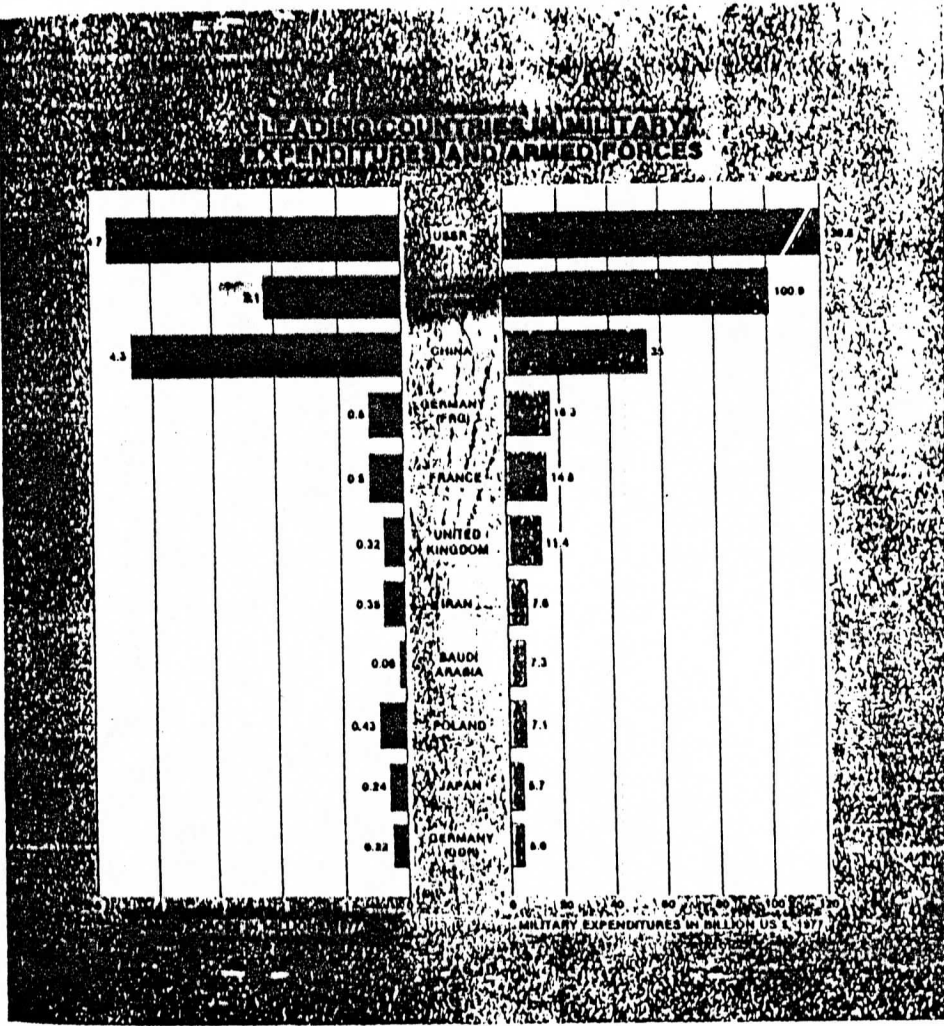
During this past fiscal year the United States has again reduced the level of its arms sales to developing countries. FY 1980 commitments of U.S. weapons and weapons-related

items under the Foreign Military Sales and Military Assistance Programs amounted to \$6.5 billion to all countries other than NATO Allies, Japan, Australia, and New Zealand. This total was almost \$2 billion below the FY 1979 ceiling of \$8.4 billion established by President Carter. Although this sharp reduction was due in part to Iranian and Taiwanese cancellations, the President's ceiling would not have been exceeded even if these sales had been made. The FY 1979 ceiling was eight percent below the comparable level for FY 1978.

Apart from its impact on the overall volume of arms sales, the ceiling has been a useful management and planning tool. It also signaled to other countries the U.S. determination to reduce world arms trade.

In addition to the dollar ceiling, the United States continued to apply to non-allied countries the qualitative restraints announced by President Carter in May 1977:

- That the United States will not be the first to introduce new advanced weapons into a region;
- That such weapons will not be sold or co-produced until operationally deployed with U.S. forces;
- That advanced weapons will not be developed or significantly modified solely for export;
- That co-production of significant weapons or major components thereof, as well as arms sale promotion, are prohibited; and
- That retransfer of military equipment of U.S. origin may be denied.







of the explosions for verification purposes, using: teleseismic methods, and, at the other side's test site, hydrodynamic yield measurement methods in a satellite hole. As a yield standard, the experiment will include yield measurement by means of a hydrodynamic method in the emplacement hole.

The joint verification experiment will not be designed to produce statistically significant results, but will be conducted in such a way as to address all other concerns identified by either side regarding methods proposed by the other side for verification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. The sides have also agreed that the experiment will give sufficient information to resolve these concerns by providing an example of the effectiveness of the verification methods used in the joint verification experiment and by demonstrating their practicability and nonintrusiveness. The experiment will thus provide the basis for agreeing on those verification measures which could be used by either side to verify compliance by the other side with the provisions of the 1974 and 1976 treaties. The understanding has been reached that in the future each side will be entitled to apply any or all of these agreed verification measures.

In order to develop and reach agreement on specific technical and organizational parameters of the joint verification experiment, the sides have agreed to establish ad hoc working groups at their negotiations.

In order to help prepare themselves to design and conduct the joint verification experiment, the sides have agreed to exchange visits of delegations to the two sides nuclear test sites. These visits, to the U.S.S.R. Semipalatinsk test site and the U.S. Nevada test site, will take place in January 1988 as the preliminary work of the next negotiating round in Geneva.

## Joint Summit Statement, Dec. 10, 1987

Ronald W. Reagan, President of the United States of America, and Mikhail S. Gorbachev, General Secretary of the Central Committee of the Communist Party of the Soviet Union (CPSU), met in Washington on December 7-10, 1987.

Attending the meeting on the U.S. side were Vice President George Bush, Secretary of State George Shultz, Secretary of Defense Frank C. Carlucci, Chief of Staff Howard H. Baker, Jr., acting assistant to the President (for national security) Li. Gen. Colin L. Powell, Counselor of the Department of State Ambassador Max M. Kampelman, Ambassador at Large and special adviser to the President and Secretary of State on arms control matters Paul H. Nitze, special adviser to the President and Secretary of State on arms control matters Ambassador Edward L. Rowny, Chairman of the Joint Chiefs of Staff Adm. William J. Crowe, Jr., Ambassador of the U.S. to the U.S.S.R. Jack F. Matlock, and Assistant Secretary of State for European and Canadian Affairs Rosanne L. Ridgway.

Attending on the Soviet side were Member of the Politburo of the CPSU Central Committee, Minister of Foreign Affairs of the U.S.S.R. Eduard A. Shevardnadze; Member of the Politburo of the CPSU Central Committee, Secretary of the CPSU Central Committee Alexander N. Yakovlev; Secretary of the CPSU Central Committee Anatoly F. Dobrynin; Deputy Chairman of the U.S.S.R. Council of Ministers Vladimir M. Kamenshev; Chief of the General Staff of the U.S.S.R. Armed Forces and First Deputy Minister of Defense of the U.S.S.R., Marshal of the Soviet Union Sergei F. Akhromeev; Assistant to the General Secretary of the CPSU Central Committee Anatoly S. Chernyshev; Head of the General Department of the CPSU Central Committee Vasily I. Boldin; Deputy Minister of Foreign Affairs of the U.S.S.R. Alexander A. Bessmertnykh; Ambassador of the U.S.S.R. to the United States of America Yuri V. Dubinin; Member of the

Collegium of the U.S.S.R., Ministry of Foreign Affairs Victor P. Karpov; and Ambassador at Large Aleksey A. Obukhov.

During the course of the official visit, which had been agreed during the two leaders' November 1986 meeting in Geneva, the President and the General Secretary held comprehensive and detailed discussions of the full range of issues between the two countries, including arms reductions, human rights, and humanitarian issues, settlement of regional conflicts, and bilateral relations. The talks were candid and constructive, reflecting both the continuing differences between the two sides, and their understanding that these differences are not insurmountable obstacles to progress in areas of mutual interest.

They reaffirmed their strong commitment to a vigorous dialogue encompassing the whole of the relationship.

The leaders reviewed progress to date in fulfilling the broad agenda they agreed at Geneva and advanced at Reykjavik. They took particular satisfaction in the conclusion over the last 2 years of important agreements in some areas of this agenda.

The President and the General Secretary affirmed the fundamental importance of their meetings in Geneva and Reykjavik, which laid the basis for concrete steps in a process intended to improve strategic stability and reduce the risk of conflict. They will continue to be guided by their solemn conviction that a nuclear war cannot be won and must never be fought. They are determined to prevent any war between the United States and the Soviet Union, whether nuclear or conventional. They will not seek to achieve military superiority.

The two leaders recognized the special responsibility of the United States and the Soviet Union to search for realistic ways to prevent confrontation and to promote a more sustainable and stable relationship between their countries. To this end, they agreed to intensify dialogue and to encourage emerging trends toward constructive cooperation in all areas of their relations. They are convinced that in so doing they will also contribute, with

other nations, to the building of a safer world as humanity enters the third millennium.

## ARMED CONTROL

### The START Treaty

The two leaders signed the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. This treaty is historic both for its objective—the complete elimination of an entire class of U.S. and Soviet nuclear arms—and for the innovative character and scope of its verification provisions. This mutual accomplishment makes a vital contribution to greater stability.

### Nuclear and Space Talks

The President and the General Secretary discussed the negotiations on reductions in strategic offensive arms. They noted the considerable progress which has been made toward conclusion of a treaty implementing the principle of 50% reductions. They agreed to instruct their negotiators in Geneva to work toward the conclusion of the Treaty on the Reduction and Limitation of Strategic Offensive Arms and all internal documents at the earliest possible date, preferable in time for signature of the treaty during the next meeting of leaders of state in the first half of 1988. Recognizing that areas of agreement and disagreement are recorded in detail in the joint draft treaty text, they agreed to instruct their negotiators to accelerate resolution of issues within the joint draft treaty text including early agreement on provisions for effective verification.

In so doing, the negotiators should build upon the agreements on 50% reductions achieved at Reykjavik as subsequently developed and now reflected in the agreed portions of the joint draft START (strategic arms reductions talks) treaty text being developed in Geneva, including agreement on ceilings of no more than 1,600 strategic of-

fensive delivery systems, 6,000 warheads, 1,500 warheads on 154 heavy missiles, the agreed rules of account for heavy bombers and their nuclear armaments, and an agreement that as a result of the reductions the aggregate throw-weight of the Soviet Union's ICBMs (intercontinental ballistic missiles) and SLBMs (submarine-launched ballistic missiles) will be reduced to a level approximately 50% below the existing level, and this level will not be exceeded by either side. Such an agreement will be recorded in a mutually satisfactory manner.

As priority tasks, they should focus on the following issues:

(a) The additional steps necessary to ensure that the reductions enhance strategic stability. This will include a ceiling of 6,000 on the aggregate number of ICBMs and SLBMs warheads within the 1,500 limit.

(b) The counting rules governing the number of long-range, nuclear-armed, air-launched cruise missiles (ALCMs) to be attributed to each type of heavy bomber. The delegations shall define concrete rules in this area.

(c) The counting rules with respect to existing ballistic missiles. The sides proceed from the assumption that existing types of ballistic missiles are deployed with the following numbers of warheads: In the United States, Peacekeeper (MX) 10, Minuteman III 15, Minuteman II 15, Trident II 5, Trident I 5, SS-17 4, SS-19 6, SS-18 10, SS-20 10, SS-23 1, SS-U 1, SS-18 1, SS-N-6 1, SS-N-4 1, SS-N-17 1, SS-N-18 1, SS-N-20 1, and SS-N-23 4. Procedures will be developed that enable verification of the number of warheads on deployed ballistic missiles of each specific type. In the event either side changes the number of warheads declared for a type of deployed ballistic missile, the sides shall notify each other in advance. There shall also be agreement on how to account for warheads on future SS-N-23 missiles: missiles covered by the Treaty on the Reduction and Limitation of Strategic Offensive Arms.

(d) The sides shall find a mutually acceptable solution to the question of limiting the deployment of long-range nuclear-armed missiles. Such limits will not involve counting long-range nuclear-armed missiles within the warheads and ICBMs/SLBMs delivery systems limits. The sides committed themselves to establish rules on such missiles, and to seek mutually acceptable and effective methods of verification of such limitations, which include the employment of national technical means, cooperative measures, and on-site inspection.

(e) Building upon the provisions of the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles, the measures by which the provisions of the Treaty on the Reduction and Limitation of Strategic Offensive Arms can be verified will, at a minimum, include:

1. Data exchanges, to include declarations by each side of the number and location of weapons systems in the Treaty and of facilities at which such systems are stored and appropriate notification of these facilities to include locations and facilities for production and final assembly, storage, testing, and deployment of systems covered by this treaty. Such declarations will be submitted between the sides before the Treaty is signed and updated periodically after entry into force.

2. Baseline inspection to verify accuracy of these declarations prior to entry into force of the treaty.

3. On-site observation of the elimination of weapons systems necessary to achieve the agreed limits.

4. Continuous on-site monitoring the perimeter and vicinity of critical production and support facilities to form the output of these facilities.

5. Short-notice on-site inspection.

(f) Declared locations during process of reducing to agreed limits.

## Top Chinese officers see future here

By John O'Brien

The scene was that of a typical graduation ceremony: Graduates parading in cap and gown, graduates smiling for photos, graduates practicing kung fu.

Kung fu?

Yes, kung fu, the Chinese form of unarmed combat similar to karate.

How better to pass the time waiting for the commencement speaker to show up? Or shed the graduation jitters? Or just exercise?

A kick here, a jab there.

Particularly, if you were among the 36 senior Chinese police officers who studied U.S. law enforcement methods at the University of Illinois at Chicago, before flying home Saturday with diplomas from the school's Office of International Criminal Justice Studies.

In China, the use of deadly force isn't restricted to firearms. Most police officers make their rounds without guns, but they certainly aren't defenseless without them. [ 7 Black spaces, for 0 Picas. ]

"We use our hands and feet, and very few officers carry weapons," explained graduate Runsen Li, the ranking member of the class as

China's assistant minister in the Ministry of Public Security.

China's No. 1 crime problem, he said, is larceny and theft, and there is nothing new about that. What is disturbing, however, is a proliferation of guns among criminals, most notably in southern regions of the country.

While in Chicago, the Chinese delegation placed emphasis on U.S. efforts to combat the flow of illicit drugs and organized gang crimes.

"We believe that whatever crime you have today in the U.S. has the potential to become a crime problem tomorrow in China," said Li, a member of the U.S. Police Executive Development program for police management.

During their Chicago stay, the Chinese officials toured the Chicago police training academy and Board of Trade, Cook County Jail and Naperville police headquarters and attended a dinner hosted by Chicago Police Supt. Matt Rodriguez.

They also took in a Chicago White Sox baseball game and the after-dark water show of Buckingham Fountain in Grant

Park.

The ranking female officer, Shengjun Cheng, is a former patrol officer whose return to school led to her promotion as deputy division chief of the Bureau of Police Administration. She is in charge of training policies for China's 800,000 police officers.

Cheng said the lasting memory of her American visit is the importance placed on education by U.S. police executives.

Li and Cheng spoke with a reporter as several classmates, in slow motion, moved from side to side demonstrating kung fu for Joseph Serio, an international studies office representative on the UIC staff. The pace might have been swift, but this was, after all, a graduation in UIC's Cornucopia Room. No need to ruffle cap or gown.

Serio watched intently. Perhaps, he said, there was something for American law officers to learn from the ancient art.

That was all his guests needed to hear. Soon, they had him slowly kicking, thrusting and twirling too. But in mock combat, Serio admitted, he had much to learn.

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7/25 ARM	6.750	0	30 years	6.848
7/25 ARM	6.800	2.00	30 years	6.983

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15 yr. Fixed Jumbo	7.375	0	15 years	7.669
15 yr. Fixed Jumbo	6.750	0.50	15 years	7.169
5/25 ARM	7.375	0	30 years	7.681
7/25 ARM Jumbo	7.850	0	30 years	7.996
7/25 ARM	6.885	2.00	30 years	6.969

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# National/World news

## National digest

entinel wire services

### CHEYENNE, WYO.

## Sen. Wallop won't seek fourth term

Conservative Sen. Malcolm Wallop has decided to leave a town he hates for a land he loves.

The Wyoming Republican said Friday he would not seek a fourth term next year because state voters support term limits and because he wanted to leave Washington, D.C.

"I have never had an overwhelming desire to live on the Potomac," Wallop said. "In fact, I hate it. I have never liked the life of a senator. I like the job."

Wallop, 60, said he might run for governor or simply return to his ranch with his wife, French.

MIAMI, FLA.

## 2 more arrested in tourist's killing

Two people were arrested Friday in the slaying of a German tourist, and police said one of

them admitted pulling the trigger of a sawed-off hunting rifle that fired the fatal shot.

Patry Jones, 20, was arrested Friday and charged with murdering Uwe-Wilhelm Rakebrand, who had just arrived in the United States on his honeymoon.

Also arrested Friday was 19-year-old Alvan Hudson, but police refused to release details of his involvement.

Jones' 19-year-old boyfriend, Recondall Wiggins, gave himself up to authorities two days earlier after reportedly confessing to his mother that he drove the van that rammed the rental car Rakebrand was driving.

WASHINGTON, D.C.

## U.S. panel wants new U.N. force

A U.S. commission on improving the United Nations wants the U.N. to form a quick-reaction force of 5,000 to 10,000 volunteers to help keep peace.

The commission said Friday the force would be under the command of the Security Council.

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Clinton vows U.S. will help make peace work

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Aspin aiming for cuts, not job security

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MSO musicians won't be locked out

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## Democrat, religious Party chairman rebukes Christi

Washington, D.C. — AP — To a chorus of hisses, the Democratic Party chairman rebuked the Christian Coalition Friday for ads he said cast President Clinton's supporters as unChristian and for using faith "as a weapon to divide."

"God and faith are not and cannot be the province of one political party or movement," David Wilhelm said in a blunt speech to more than 2,000 Christian Coalition activists.

"God is an independent. And no single entity can claim to speak for all persons who believe in Christ and consider themselves Christians."

Wilhelm's speech at the Pat Robertson-led group's annual conference brought return criticism from coalition leaders.

"We invited him as a good-faith gesture to give him and his party an opportunity to reach out to one of the largest blocs in the electorate," and he chose to punt that opportunity," said Executive Director Ralph Reed.

That Wilhelm was invited at all was part of the Christian Coalition's new effort to expand its political power by shaking its



Wilhelm: "God is an independent" Robertson: Expands ag-

image as a Republican group expanding its issues portfolio beyond opposition to abortion, homosexual rights.

Reed had promised to support of the North American Free Trade Agreement on the organization's agenda.

But he was forced to retreat. Robertson, who said he has objections about the Clinton administration's side agreements to the pact and that Reed's endorsement was premature.

In his keynote speech, Robertson said tax, welfare, educa-

## Gephardt to come out in opposition to NAFTA

Knight-Ridder Newspapers

Washington, D.C. — House Majority Leader Richard A. Gephardt (D-Mo.), who has been leaning against the North American Free Trade Agreement, has decided to take the plunge and oppose it, according to House sources.

Gephardt is considered by many of his colleagues as a reliable voice



Gephardt: Seen as reliable voice

House's legislative initiative is the leader's job to rally support for the president's proposals, and to mediate among the party factions to reach a partisan consensus, and to steer the legislation to passage.

Earlier this week, Rep. Robert G. Torricelli (D-N.J.), an opponent of NAFTA who now he is rethinking his position, said more than a dozen Democrats are "waiting for Dick Gephardt to play his hand before revealing their own."

Richardson, a strong supporter of the treaty, greeted new Gephardt's likely opposition with marked discomfiture. "The majority leader's position on the



Since the UN was created, there have been 14 Undersecretaries for Political and Security Council Affairs. All have been communists, and all but one have come from the Soviet Union:

1946-1949 Arkady Sobolev (USSR)	1963-1965 V. P. Suslov (USSR)
<del>1949-1953 Konstantin Zinchenko</del> (USSR)	1965-1968 Alexei E. Nesterenko (USSR)
<del>1953-1954 Ilya Tchernomykh</del> (USSR)	1968-1973 Leonid N. Kutakov (USSR)
<del>1954-1957 Dragoslav Protitch</del> (Yugoslavia)	1973-1978 Arkady N. Shevchenko (USSR)
1958-1960 Anatoly Dobrynin (USSR)	1978-1981 Mikhail D. Sytenko (USSR)
<del>1960-1962 Georgy Arkadev</del> (USSR)	<del>1981-1986 Viacheslav A. Ustinov</del> (USSR)
1962-1963 E. D. Kiselev (USSR)	<del>1987-</del> Vasilii S. Safronchuk (USSR)

A reading of the document itself confirms that disarmament "would proceed to a point where no state would have the military power to challenge the progressively strengthened U.N. Peace Force...." In other words, the only significant military power left in the world would be the United Nations.

The provisions of the treacherous proposal would actually leave our nation defenseless before the UN, and before any other nation that didn't similarly disarm. And it would place the UN's superior military power in the hands of the UN's Undersecretary for Political and Security Council Affairs, the overseer of all UN military activity. This post, by virtue of a secret agreement concluded at the founding of the UN (an arrangement later confirmed by an astonished former UN Secretary General

named Trygve Lie), has always been held by a communist. The man who holds it today, the 14th communist in succession, is Vasilii S. Safronchuk of the Soviet Union. Unless our leaders are stopped, they will succeed in turning over our military forces to the United Nations where they will be controlled by a communist.

#### Subverting Our Sovereignty

Are our leaders really implementing this plan? Yes, they are! The Nuclear Test Ban Treaty is part of it; the treaty banning the use of outer space for nuclear weapons is part of it; the Nuclear Non-Proliferation Treaty is part of it; and so is the Intermediate Nuclear Forces (INF) treaty, signed by President Reagan and Soviet leader Gorbachev and formally ratified by the U.S. Senate in 1988.

When *Freedom From War* was first made public, many startled Americans tried to obtain a copy. It was quickly declared "out of print" by federal authorities. Then, it was superseded in April 1962 by a "more precise" statement of the U.S. disarmament policy in a document entitled *Blueprint For the Peace Race: Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World*.

Presented formally to an 18-nation UN Committee on Disarmament meeting in Geneva, the foreword to the *Blueprint* states that it doesn't cancel the plans given in *Freedom From War*. It merely "elaborates and extends the proposals of September 25," the date that *Freedom From War* was unveiled at UN headquarters by President Kennedy. In complete accord with *Freedom From War*, the *Blueprint* spells out its overall goal in the third of its three stages: "The Parties to the Treaty would progressively strengthen the United Nations Peace Force established in Stage II until it had sufficient armed forces and armaments so that no state could challenge it."

When questioned about the commitment of the United States to the *Blueprint*, A. Richard Richstein, General Council of the U.S. Arms Control and Disarmament Agency, stated in a May 11, 1982 letter that "the United States has never formally withdrawn this proposal." In January 1991, William Nary, the official historian of the Arms Control and Disarmament Agency, confirmed again that

"the proposal has not been withdrawn." Mr. Nary also confirmed that "certain features of it have been incorporated into subsequent disarmament agreements."

In summary, the plan to disarm the United States in favor of an all-powerful United Nations Peace Force is unfolding. It calls for relinquishing virtually all of our nation's military forces to a UN command whose leader, by agreement between the U.S. and the USSR during the founding sessions leading to the creation of the UN, will always be a communist. In the end, "no state could challenge" the communist-led military power of the United Nations.

This supposed "disarmament" program, therefore, is not as much about weapons elimination as it is about weapons distribution and control. If the program succeeds, only the UN and those nations skirting UN weapons prohibitions will be armed. It is remarkably similar to the drive that would outlaw private ownership of firearms. If that drive should ever succeed, only the government and those who are outlaws would possess guns. Law-abiding citizens would be at their mercy in the latter case; law-abiding nations would be at the mercy of the UN and outlaw nations in the other.

#### Background To This Situation

How did we get into such a situation? Who are the individual promoting such a suicidal proposal? Why is Congress going

# UN CHRONICLE



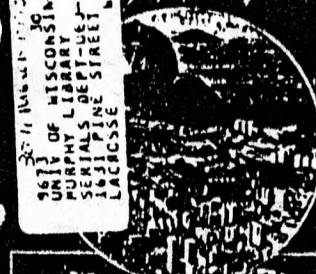
March 1972 Volume XXX Number 1

The First Truly  
Global Era  
Has Begun

*Barbara Amiel*

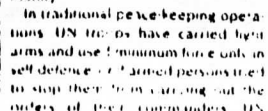


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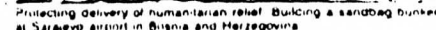
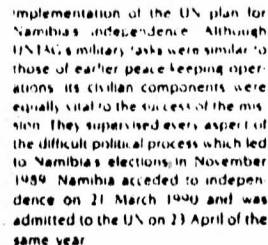
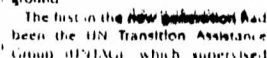


United Nations Department of Public Information

## UN operations: Not only expanding, but breaking new ground

[illegible]

Of the established operations which were set up before 1955—during the Cold War era—all with the exception of that in West Iran were what are now described as traditional peace-keeping operations. They were largely military in composition and in function, entrusted to maintain calm on the front line while giving the negotiators time to negotiate a settlement.



When the UN Protection Force (UNPROFOR) was established in 1992 in the territory of Bosnia and Herzegovina, it was intended to monitor the implementation of the Dayton Accords and to ensure the safety of the civilian population.



## THE NATIONS SPEAK

the resources needed to that Mozambique, former colony of Portugal, might in the near future reach peace, democracy and economic progress. His Government had also sought to encourage the dialogue between Europe and Latin America during a period of noteworthy development and regional integration initiatives. On East Timor, his country's objective was a just, comprehensive and internationally acceptable solution, with full respect for the legitimate interests of the East Timorese people, including the right to self-determination.

### SAN MARINO

Catholic Guilio Secretaries of State for Foreign and Political Affairs said that peace was not a condition that could be imposed; it was a more complex reality, a permanent state that had to be built. On the other hand, the most praiseworthy and indisputable peace initiatives would be useless, until men are educated to a deep-rooted sense of peace. That, in his view, was the future role of the UN, which it should play with determination and authority. The world community had a common duty to contribute to the removal of war clouds and bilateral tensions. It had to defend the right to peace, the main feature of which was freedom and respect for minorities.

### SPAIN

Foreign Minister Javier Solana Madrigal said that recent tremendous changes in the world had brought about a new pattern of international relations. However, after the initial moments of surprise and euphoria of perplexity and optimism, there was a need to incorporate those changes to build jointly a more just and secure international society. The world gap between rich and poor had been widening in an alarming way. New ways of attaining sustainable development should be found and greater financial resources provided, especially by those countries that were in a position to do so. Decolonization of Gibraltar was an issue particularly important to Spain, which was determined to continue negotiations with the United Kingdom, bearing in mind that that way, not a case of self-determination, but a situation that affected Spain's territorial integrity.

### SWEDEN

Foreign Minister Margaretha af Ugglas said that the removal of the risk of a nuclear holocaust made other threats to peace and security stand out all the more clearly, particularly problems of economic development, the environment and ethnic and religious conflicts which had become severely aggravated in certain areas. The West had to do more than merely open its markets; industrial democracies had a responsibility to support economic and social progress in the developing countries by giving generous assistance, which should account for 0.7 per cent of their gross national income. Concerned about unregulated stationing of former Soviet troops in the Baltic States, Sweden welcomed the recent agreement between Russia and Lithuania to troop withdrawal and expected that similar agreements would be concluded with Estonia and Latvia as well.

### TURKEY

Foreign Minister Tükerin Çetin said the most severe challenge to the new order had been posed by the Yugoslav crisis. This country shared historical and cultural bonds with the people of Bosnia and Herzegovina, and the presence in Turkey of a large number of citizens of Bosnian descent placed it in a special relationship to the fate of that country. Turkey had put forward a set of concrete and effective measures designed to stop the fighting, and it would assist in bringing about an end to the Bosnian tragedy. While Iraq should comply fully with the relevant Security Council resolutions, Turkey would be the first to welcome a return to normality and the restoration of normal relations between Iraq and its neighbours. The search continued for a negotiated settlement of the Cyprus question.

### UNITED KINGDOM

Foreign Secretary of State for Foreign and Commonwealth Affairs, speaking on behalf of the United Kingdom, said that the legacy of the cold war was a mixed one, and in facing it the world community had to be realistic.

Solving problems which were rooted deep in the centuries was a slow, frustrating business. The international order was threatened in the short term by the unleashing of extreme nationalism, challenges to the rule of law. Yugoslavia was the worst example of the bitterness of nationalism producing intolerable results. Preventive deployment of troops might take place to deter aggression or conflict between states, but the UN role did not stop once the conflict is over. Peace building must also take place.

### UNITED STATES

President George Bush said the UN and the world community faced three crucial international challenges: preserving religious freedom and ethnic prosperity. The bloody battles raging in places such as the former Yugoslavia, where people were pursuing historical identities through ethnic violence rather than democratic nationalism, highlighted the need for a more preventive, multinational response. Shared economic growth was the long-term foundation for a brighter future well into the next century, and fair and open competition should be the fuel for the global economic engine. It added up to an ambitious agenda, he acknowledged. But we live in remarkable times, times when change comes so fast that we sometimes forget how far and how fast we have progressed in achieving our goals for a global community of democratic nations.

## THE NATIONS SPEAK

### Latin America and the Caribbean

# Great and unshirkable tasks lie ahead

The nations of Latin America and the Caribbean bid a glad farewell to super Power confrontation as well as to many of their own local conflicts, but bemoaned the spectrum of economic and social woes that continued to grapple the globe. Famine, disease, ecological degradation, the desperate migration of people in search of survival, the inhumanity of poverty, cannot indefinitely be ignored by any creature on planet Earth, said Prime Minister Peralta Patterson of Jamaica.

The onset of peace in El Salvador, the strengthening of the peace process in Nicaragua, and great efforts towards consolidation in other Central American countries, such as Guatemala, had contributed to eliminating a zone of armed conflict in the region that for long had affected international security.

New fears, however, precluded tranquility. Today no one is immune to the conflicts that used to be called peripheral, said El Salvador's President Alfredo Felix Cristiani Burkard. No longer is it the power of the super Powers that is such a threat to mankind; survival is to the poorest scourge of poverty that threatens to erode the foundations of our civilization, whose great and unshirkable task is now to protect the dignity of all human beings without distinction as to race, culture or geographic location.

In the new world order, the UN must earn new credibility, said Bolivian President Jaime Paz Zamora. The citizens and nations of global democracy are placing unavoidable challenges before our Organization, challenges that require us to adapt its

structures, modernize its machinery and identify new priorities.

Many supported convening a World Summit on Social Development in 1995, while virtually all applauded the June 1992 UN Conference on Environment and Development in Rio de Janeiro, Brazil. The spirit of Rio said Brazilian Foreign Minister Celso Lafer was that all countries—large and small, rich and poor—gave proof that they were and are capable of linking their own specific interests with larger more general interests.

Latin America itself was striving for greater regional cooperation in order to bequeath to future generations of our countries better conditions for improving democratic institutions, promoting integration and fostering economic and social development, said President Guillermo Endara Galimany of Panama.

### Democracy tenuous

However, democracy was still tenuous in many developing countries. We have the impression that the democratic ideal has not yet fully realized what is at stake in some of these countries, said Nicaraguan President Violeta Barrios de Chamorro. Freedom is still extremely fragile there and economic and social democracy is a distant dream.

A case in point was Haiti, where a coup d'état in September 1991 ended a brief experiment in democracy. Haitian President Jean Bertrand Aristide called for the UN and the Organization of American States (OAS) to transform "line sounding resolutions" into visible and fruitful action to restore democracy in his country.



Haitian President  
Jean Bertrand Aristide

Consolidating democracy and ensuring stability throughout the region required an open and united approach to economic relations. In particular, some Latin American and Caribbean nations worried that trade in commodities, such as bananas, was being unfairly restricted by industrialized nations.

Drug control was another high ranking concern. Calling for an international criminal jurisdiction against drug trafficking, money laundering and the illegal export of precursor chemicals, President Cesar Gaviria Trujillo of Colombia warned that the drug traffickers in his country today would be in sister nations tomorrow.

Today their enterprise is cocaine; tomorrow they will be looking for other, new, lucrative products. Today they are making millions from the demand in the United States; tomorrow they will be getting even richer with money from Europe and Japan.

## 47th GENERAL ASSEMBLY

# Increased responsibilities, a wider, more practical role Becoming a functional world parliament

**W**ith unprecedented responsibilities for maintaining international peace and security being thrust upon the UN, the forty-seventh General Assembly was summoned to take a more dynamic and practical role in mapping the political, economic and social activities of the post-cold-war world.

The General Assembly, facing a new challenge to its role as a functional world parliament, asserted Assembly President Stoyan Ganev of Bulgaria, before suspending the 14 week session on 21 December.

Clearly one of the more significant implications of the post-cold-war geopolitical realignment presently under way is an increased practical role for the General Assembly in world activities, he told the world body whose membership had reached 179 with the addition of 20 States between September 1991 and September 1992.

The countries of the world, he said, were called to the United Nations to discuss the most important issues of mankind, and to address a wide range of global, regional and local problems.

The long-awaited global chemical weapons ban—the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction—was commended by the Assembly.

The new treaty, which was elaborated for more than 10 years by the 40-member, Geneva-based Conference on Disarmament, was opened for signature in Paris on 13 January 1993 at a ceremony attended by Secretary-General Boutros Boutros-Ghali.

The Convention on Chemical Weapons is the first disarmament agreement negotiated within a multilateral framework, said Mr. Boutros-Ghali at the signing ceremony. The scope of this multilateral Convention—the obligations assumed by the States parties and the system of verification envisaged for its implementation—are unprecedented.

The bulk of the session's substantive work was accomplished in the Assembly's seven main committees. Continuing a trend that has been building in recent years, committee debate was without exception characterized by an atmosphere of cooperation, said Mr. Ganev. Even discussions on subjects that traditionally have been most contentious, such as those involving the Middle East conflict, were marked by a new more conciliatory tone.

Some three quarters of the Assembly's work was devoted to the consideration of 100 resolutions, a proportion as in the two previous sessions.

### Continuing crises

The forty-seventh session, which opened on 13 September, witnessed the continuing crises of famine in Somalia and the civil war in Bosnia and Herzegovina. Crises like these, said Mr. Ganev, ceaselessly torment people, and they in turn look for solutions.

Taking action towards those solutions, the Assembly welcomed the convening of an international conference on Somalia, and the convening of an international conference on Bosnia and Herzegovina.

The first resolution adopted by the Assembly, 47/1, adopted on 19 September, had contained the unusual decision to bar Yugoslavia from participating in the work of the Assembly. In 1974, South Africa was the first State to be barred from participation by a President's ruling.

In other important action, the Assembly dispatched an observer team to monitor elections in Eritrea, called for aid efforts to be maintained in Mozambique, where a new UN peace-keeping operation—known by the acronym ONUMOZ—was launched on 16 December, and again supported the convening of an international peace conference on the Middle East under UN auspices and with equal participation of the Palestine Liberation Organization, which would



Secretary General Boutros Boutros-Ghali (right) at the Assembly podium



Assembly President Stoyan Ganev (right) reviewing paperwork

contribute to the promotion of peace in that region.

The Assembly called for respect for the commitments of the Peace Accords in Angola in a text reaffirming a zone of peace and cooperation in the South Atlantic—the region situated between Africa and South America.

New and ongoing political, humanitarian and human rights problems around the globe were also addressed, including for the first time the situation in Estonia and Latvia—two former Soviet republics.

Strong ties between the UN and regional organizations were of increasing importance to peace-keeping and related efforts. For example, the Secretary-General was asked to cooperate with the Organization of American States (OAS) to solve the crisis in Haiti in a text 47/201 strongly

## THE NATIONS SPEAK

### TOGO

Odette Lashin, Secretary of State for Foreign Affairs and Cooperation of the Togolese Government, said:

**...the world we live in must be changed. It is not the world of the past, but the world of the future. It is not the world of the past, but the world of the future. It is not the world of the past, but the world of the future.**



The gap between rich and poor was growing wider as the economies of developing countries were in a state of chronic recession, the most serious in several decades. That situation could be changed only if its cause was to be established and a new economic order based on fairness and a more equitable humanism became the basis of international cooperation.

### TUNISIA

Tunisian Minister Habib Benhabib stressed that a permanent conference could be held to discuss the situation in Africa and certain West African countries within the framework of international security, particularly since this had accepted United Nations resolution 1147/77.

The desired new world order must be forged through a process of peaceful and lasting settling of conflicts and settling disputes by dialogue and negotiation with a view to establishing peace and security in the world. He called for a new and its political settlement as a peaceful response to the challenge of peace in the region. In summary, he urged the parties to the conflict to end the bloodshed and hoped that they could try to find an appropriate solution to the problem. A balanced approach of dialogue and negotiation, he hoped, negotiations could resume in South Africa.

### UGANDA

Paul Kiwanga, Secretary General, Second Deputy Prime Minister and Minister for Foreign Affairs, said: "We stand at a historic watershed, especially given the fact that the global transition period is an opportunity created by a global new order. At this crucial time, we are presented with a unique opportunity for the United Nations to achieve the peace envisaged in the Charter. Underdevelopment and poverty are prime sources of conflict. The end in peace process should be maintained to keep the peace from starting in a new South. It was a critical to agree on a constitution for South Africa that could be the widest consensus. He called for mutual reconciliation in Somalia and supported the ECOWAS initiative for a peaceful settlement in Liberia. As for the conflict in South Africa, he said, the path towards a long-term solution lies in dialogue and reconciliation among the parties.

### UNITED REPUBLIC OF TANZANIA

Ahmed Hassan Bawa, Minister for Foreign Affairs and International Cooperation, said: "The United Nations and especially the Security Council must be reformed because it is based on an outdated concept of international peace and security. The maintenance of peace and security cannot be exclusively focused on traditional peace-keeping or peace-making, nor can it be left to the exclusive domain of the Security Council. He called for the reformation of the basic structure underlying the international system so that the **emerging new order may be based on right rather than might, on justice rather than expediency.**" While encouraging Africa to transform its political and economic systems, developed nations had a moral and historical duty to assist the continent in pursuing a sustainable development strategy that was people-oriented.

### ZAIRE

Foreign Minister Darius Lumba Obongo said developed countries should help countries of the South to solve problems related to underdevelopment. The final Document of the International Conference on the Relationship between Development and Development should be implemented in order to find the necessary resources to solve the daunting problems our peoples face. He hoped the international community would support efforts aimed at Africa's economic recovery. As Zaire had vast areas of protected forests, his country would appreciate acceptance by the international community of the idea of "recompensing countries that set aside minor forested areas with a view to protecting them from the ravages of humankind. The international community, particularly developed countries, had to make additional resources available for the effective implementation of Agenda 21.

### ZIMBABWE

Foreign Minister Nathan M. Shamuyirira stressed the need to democratize the international system and the empowerment of the voices of third world countries within that system. The economic gap between developed and third world countries had widened. The UN should look at its own structure and committed armed forces as a permanent basis.

The Security Council was an organ which needed a radical discussion in which all states would participate equally and all views would be given a fair hearing. **The new heralded new world order should be a just humane and enlightened one that will bring an improvement to the quality of life of all of humanity.**



## THE NATIONS SPEAK

### Asia and the Pacific

The worsening economic plight of developing countries dominated the agenda of speakers from Asia and the Pacific while drugs, disarmament, the environment and the situation in the Middle East, Cambodia, Korea and Cyprus were other major concerns.

Foreign Minister Nguyen Manh Tam of Viet Nam said the rate of economic growth had fallen to its lowest level in many years and warned that the symptoms of a new financial crisis which could shake the international monetary system can be perceived. Foreign Minister Datuk Abdullah Badawi of Malaysia declared:

Nothing short of a major reform and restructuring of the world economy including the financial system is required in order to bring about a strong revival and ensure its long-term stability.

According to Foreign Minister Mohammed Said Al Sahaf of Iraq: "All indications point to an exacerbation of the division of the world into North and South, a world without equality, justice or equity between the rich and strong countries of the North and the poor and weak countries of the South."

### Widening gap

Drawing attention to the ever widening gap between developed and developing countries, speakers called for the establishment of a new world order to replace the present international one. It was stated that developing countries generally suffered from inadequate access to technology, large-scale unemployment, abject poverty, severe environmental degradation, stagna-

## Concrete steps towards new world order



President Soeharto of Indonesia

tion or vastly inadequate growth rates, low prices for commodities and raw materials, and severely contracted financial flows.

Economic progress in developing countries would enrich the prosperity of the developed world, speakers said. Non-economic conditionalities it was emphasized, should not be made in international development assistance. The importance of intensifying South-South cooperation on the basis of collective self-reliance was also stressed.

Secretary of Foreign Affairs Roberto R. Romulo of the Philippines said the time had come to convene a general conference to review the UN Charter. Calls were made for a review of

the nations' composition and the privileges of the Security Council, whose membership many felt should be expanded.

Importance was attached to making the General Assembly more effective. Its actions must be backed by a new and reinforced by Charter principles and must reflect the effective will and not the narrow interests or preferences of a group of nations. An Assembly, speakers said, must be

**A new world order, wide spread by the creation of a new international order, which according to state officials and Ministers for Foreign Affairs (Tan Chuan-Jin) of China should be based on the universal observance of the principles of respect for human rights and fundamental freedoms, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit.**

**A new world order would come about only through concrete steps agreed by the vast majority of the international community.** said Foreign Minister Muhammad Siddique Khan Kanju of Pakistan. **The UN was the only forum where we can express our views on current world problems for global peace and prosperity.**

In conclusion, Eduardo Faleiro, Minister of State for External Affairs of India, pointed out that **the world is today in a state of transition, a period of great change and upheaval, and the United Nations has a central role to play.**





Mr. Boutros Ghali told the Fifth Committee that there was a need for a more rational distribution of responsibilities between Headquarters and UN Centres in Geneva, Nairobi and Vienna, as well as among global, regional and field structures.



He also intended to create a single UN presence at the national level to carry out an integrated strategy in each country where the Organization operates.

Furthermore, the Secretary General announced on 16 December the plan

The General Assembly: Vital Statistics  
1987-1992

Years	Sessions	Total number of meetings	Number of agenda items	Number of resolutions adopted
1987/88	42nd	116	145	323
1988/89	43rd	96	151	324
1989/90	44th	100	161	326
1990/91	45th	82	150	341
1991/92	46th	92	135	305
1992/93*	47th	94*	152	276*

\* Figures reflect action only up until the Assembly was suspended on 23 December 1992. There exists on several items are still pending and additional items are still to be taken up at resumed sessions in 1993.

nation of four Assistant Secretary-General posts in the Department of Administration and Management. These were in addition to 11 high-level posts abolished earlier in the year. The four offices—Programme Planning Budget and Finance, Conference Services, Human Resources Management and General Services—will instead be headed by officials at the Director level.

Several recent appointments by the Secretary General increased the number of high-level women in UN posts. Ibrahima Fall of Senegal was named Assistant Secretary General for Human Rights. Elizabeth Dowdeswell of Canada was named Executive Director of the UN Environment Programme. and Gertrude Mongella of the United Republic of Tanzania was named Secretary General of the Fourth World Conference on Women in 1993.

#### Other matters

A contentious item during the session was the scale of assessments of Member States to the UN budget. The necessity of a new scale of assessments, as a result of the dissolution of the former Soviet Union and the subsequent admission to the UN of 12 of the 15 former Soviet republics—gave rise to intensive discussions and negotiations in the Fifth Committee (Administrative and Budgetary).

In the end, because the recommendations of the Committee on Contributions were challenged by the former republics as being exorbitant, the decision endorsing 117/156/ those recommendations was, for the first time in many years, adopted by recorded vote rather than by consensus.

Another heated debate ensued over the necessity of ending the United States embargo against Cuba. By a vote of 13 to 1, Israel, United States, Romania, with 71 abstentions, the Assembly 117/190 called on States to refrain from applying laws or measures affecting the sovereignty of other States and freedom of trade and navigation. It urged those States which had such laws or measures to repeal or invalidate them as soon as possible.

## The Nations Speak

### Caught in the throes of pervasive change. Seeking effective and swift responses

The 1992 general debate—taking place at a time of both unprecedented opportunities and sober assessment in the world of General Assembly President Stoyan Ganev—saw a record-breaking 167 speakers address the new and complex problems facing the world.

One by one they stood at the podium, many of them heads of state, to express their views on the challenges facing the world and to propose solutions.

As the annual forum for the Organization's 179 Member States, the three-week debate which began on 21 September provided a multidimensional view of virtually every major international problem, said President Ganev at its conclusion on 8 October. The 47th Assembly session had convened, he said, at a crucial moment in UN history. He emphasized the importance of the Assembly's role in the world.

The parade of speakers which included 24 Heads of State, 1 Vice President, 13 Prime Ministers, 10 Deputy Prime Ministers, 101 Foreign Ministers and 16 Permanent Representatives also reflected a cohesion of views regarding the critical need for reform in the UN, including the General Assembly, Mr. Ganev said.

A strong impetus for future reform was found in Secretary General Boutros Boutros Ghali's historic Agenda for Peace. Foreign Minister

Mario Carías Zapata of Honduras said the noteworthy report embodied both vision and realism that will enable us to make progress in forging a more secure and prosperous world.

Sustainable development was another concern, developed nations must reduce pressure on the environment through corrective action

and resolute action was called for to end the carnage.

Reflecting the strong sentiments of Muslim countries, Saudi Arabia's Foreign Minister, Prince Saud Al-Faisal forcefully declared that the war in beleaguered Bosnia and Herzegovina was not a civil war but a war of extermination waged openly on the people of a sovereign independent State whose territory has been occupied by the perpetrators of that brutal and savage aggression.

Only if the UN and regional organizations proved capable of protecting individual States from external aggression and minorities from domestic persecution, all it be possible, said German Foreign Minister Klaus Kinkel, to make the desired transition from policies of national hegemony and armament to the rule of law, collective security and economic and social development.

The world was far from being peaceful just and secure, concluded Indonesian President Soeharto, who also spoke on behalf of the 108 member Non-Aligned Movement. Simmering disputes, violent conflicts, aggression and foreign occupation interference in the internal

affairs of States, policies of hegemony and domination, ethnic strife, religious intolerance, and the arms race continue to obstruct the building of harmonious coexistence between States and peoples and have even led to the disintegration of States and societies. He stressed a world caught in the throes of pervasive change and transition is basically an unstable and unpredictable world.

Commenting on many crises around the world, almost every nation lamented the bloody conflict raging in Bosnia and Herzegovina where a reported 100,000 people had been killed since the spring of 1992. Speedy



# UN PEACE-KEEPING: Around the World

## UN Iraq-Kuwait Observation Mission (UNIKOM)

Established: April 1991  
Strength: 320 military personnel and 100 civilian staff  
Mandate: To monitor the 40-kilometre-long Al-Rutbah Waterway and the demilitarized zone (DMZ) between the two countries, using observation posts and land and air patrols, to deter boundary violations and to observe any hostile or potentially hostile actions. In February 1993, the Security Council transformed UNIKOM from an observer contingent into an armed force capable of preventing small-scale violations of the DMZ, authorizing an increase in personnel to some 3,000.

## UN Observer Mission in El Salvador (ONUSAL)

Established: July 1991  
Strength: 300 military and police personnel, 250 civilian staff  
Mandate: To verify implementation of agreements between El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN). These concern maintaining the cease-fire, reform and reduction of armed forces, creation of a new police force, reform of the judicial and electoral systems, human rights, land tenure and other economic and social issues. Some 500 electoral observers are to assist in the scheduled March 1994 elections.

## UN Mission for the Referendum in Western Sahara (MINURSO)

Established: September 1991  
Strength: 225 military observers, 100 military support personnel and 103 civilian staff  
Mandate: Originally to monitor a cease fire, verify reduction of Moroccan troops in the Territory, monitor confinement of troops to designated locations, ensure the release of all Western Saharan political prisoners or detainees, oversee the exchange of prisoners of war, implement the repatriation programme, identify and register qualified voters, organise and ensure a free referendum and proclaim the results. Due to divergent views, the plan has not been fully implemented.

## UN Protection Force (UNPROFOR)

Established: February 1992  
Strength: 24,000 military and civilian personnel, 14,000 in Croatia, 8,200 in Bosnia and Herzegovina, and 750 in the former Yugoslav Republic of Macedonia  
Mandate: Croatia: Established in March 1992 as an interim arrangement to create conditions of peace and security required for negotiating an overall settlement. Deployed in three United Nations Protected Areas (UNPAs) in Croatia, to ensure a demilitarization process.  
Bosnia and Herzegovina: In June 1992, UNPROFOR was enlarged to ensure the security and functioning of the Sarajevo airport and delivery of humanitarian assistance. In September 1992, it was further enlarged to support humanitarian relief. Since November 1992, UNPROFOR has monitored the ban on military flights. In June 1993, it was authorized to use force in response to bombardments or attacks against "safe areas" or deliberate obstruction of humanitarian convoys.  
The former Yugoslav Republic of Macedonia: In December 1992, UNPROFOR was deployed, on request of the country's President, to monitor border areas and report on any potentially destabilizing activity.

## UN Peace-keeping Force in Cyprus (UNFICYP)

Established: March 1964  
Strength: 1,480 military personnel and 36 civilian police  
Mandate: To use its best efforts to prevent the recurrence of fighting and to contribute to the maintenance and restoration of law and order and a return to normal conditions. Since the hostilities in 1974, this has included supervising the cease fire and maintaining a buffer zone between the lines of the Cyprus National Guard and of the Turkish and Turkish Cypriot forces.

## UN Truce Supervision Organisation (UNTSO)

Established: June 1948  
Strength: 224 military observers  
Mandate: Established in 1948 to assist the Mediator and the Truce Commission in supervising the observance of the truce in Palestine. UNTSO supervises the General Armistice Agreements of 1949 and the observation of the cease fire in the Suez Canal area and the Golan Heights which followed the Arab-Israeli war of June 1967. It also cooperates with the United Nations Disengagement Observer Force and the United Nations Interim Force in Lebanon. Observer groups are stationed in Beirut and in the Sinai.

## UN Interim Force in Lebanon (UNIFIL)

Established: March 1978  
Strength: 5,280 troops, assisted by 87 military observers of UNTSO's Observer Group Lebanon, and 520 civilian staff  
Mandate: To confirm the withdrawal of Israeli forces from southern Lebanon, restore international peace and security, and assist the Government of Lebanon in ensuring the return of its effective authority in the area.

## UN Disengagement Observer Force (UNDOF)

Established: June 1974  
Strength: 1,120 troops, assisted by military observers of UNTSO's Observer Group Lebanon  
Mandate: To supervise the cease fire between Israel and Syria, the disengagement of Israeli and Syrian forces, and the areas of separation and truce as provided in the Agreement on Disengagement between Israel and Syrian forces of 31 May 1974.

## UN Military Observer Group in India and Pakistan (UNMOGIP)

Established: January 1949  
Strength: 38 military observers  
Mandate: To supervise in the State of Jammu and Kashmir, the cease fire between India and Pakistan.

## UN Transitional Authority in Cambodia (UNTAC)

Established: March 1992  
Strength: 22,000 military and civilian personnel  
Mandate: To organize and conduct free and fair general elections (23-28 May 1993), and help oversee and administer, human rights education, the maintenance of law and order, repatriation and resettlement of refugees and displaced persons, and the rehabilitation of infrastructure. The transitional period will end when a constituent assembly is elected and a new Cambodian Constitution approved.

## UN Operation in Somalia II (UNOSOM II)

Established: April 1993  
Strength: 28,000 military personnel and 2,000 civilian staff  
Mandate: UNOSOM II was originally established in April 1992 to monitor a cease fire, provide security for UN personnel and supplies and escort humanitarian supplies to distribution centres. In August 1992, UNOSOM II was strengthened as a combat force pursuant to Security Council resolution 751. The Security Council authorized in December 1992 the United Task Force (UNITAF), organized and led by the United States, to use "all necessary means" to establish a secure environment for humanitarian relief operations in Somalia. In March 1993, the Security Council, acting pursuant to Chapter VII of the UN Charter, authorized the "expanding terms and strength" commanded by and under UNOSOM II to replace UNITAF. UNOSOM II is the largest peace-keeping force in UN history and the first authorized to use force under Chapter VII of the UN Charter. It also assists in rebuilding Somalia's government and economy.

## UN Operation in Mozambique (ONUMOZ)

Established: December 1992  
Strength: Between 7,000 and 8,000 military and civilian personnel  
Mandate: To facilitate implementation of the 4 October 1992 Rome Agreement, in particular by chairing the Supervisory and Monitoring Commission and its subsidiary bodies, to monitor and verify the cease fire, demilitarization and complete withdrawal of foreign forces, and to provide security in transport corridors, to monitor and verify the disbanding of private armed groups, to authorize security arrangements for vital infrastructure, to provide security for UN activities, to provide technical assistance and monitor the entire electoral process, and to coordinate and monitor humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilized military personnel and the affected local population.

## UN Angola Verification Mission II (UNAVEM II)

Established: June 1991  
Strength: 75 military observers, 28 police observers, 118 civilian staff  
Mandate: Established to verify the arrangements agreed to by the Angolan parties for monitoring the cease fire and observing and verifying elections. Despite the UN declaration that the September 1992 elections were generally free and fair, their results were contested, and renewed fighting broke out. Since then, UNAVEM II has sought to help the two sides agree on ways to restore peace.

North America

Pacific Ocean

Europe

Asia

Africa

Indian Ocean

Australia

The boundaries and names shown on this map are for information only and do not constitute an endorsement by the United Nations.  
MAP NO. 1008 UNITED NATIONS  
AUGUST 1993

UN-DOCS/CONF/1993/1008 (September 1993)

*Have a better copy - (Am making a master) This is 3rd revision*

magazine—I can't even give you the name of it now—that had been given to me, dated April 1980. And on the plane over in China, I gave it to George Shultz, because I thought he would be interested. It was one of those where there are a whole series of essays in the magazine on various national and international topics. And I gave it to him, because one of the essays was on Soviet-American relations.

And there hasn't been an adjective used or a word spoken with regard to our relations now that I did not see in that article—where the relations were at the lowest ebb they had ever been. They were frozen tight, and the President—the then President of the United States, according to the essay, was to blame for this terrible relationship.

What have we done to the Soviets that can compare with any of the things that they are presently doing? Tell them that we're not going to let them get so powerful that they can impose nuclear blackmail on us and that we are willing to meet them in arms reduction to the point of total disarmament if they would be willing to meet in that.

Q. But, sir, if they are trying to influence our election, do you think it would backfire?

The President. I don't know how to assess that. I don't know. It might.

Q. Say, yes. [Laughter]

Q. Mr. President—

Mr. Speaker.<sup>a</sup> That's all we have time for, Mike [Michael Gelb, Reuters].

Mr. Speaker. I'm sorry. Ten minutes is up.

Q. He wants to go on.

Q. You can—you can take the question.

Q. This is a very important question.

Mr. Speaker. How do you know?

#### Federal Reserve Board

Q. Mr. President, could you tell us if you think the Federal Reserve Board is responsible for the rise in interest rates and what sort of policies the Fed should be following?

The President. I've got to answer that one, Larry. And that's it then. I was—I was

<sup>a</sup> Principal Deputy Press Secretary to the President.

going to walk out on it, but you've just asked a touchy one.

Q. [Inaudible]—preview of the Michael Jackson—Michael Jackson album that—preview of that? It's a new album that's yet to be released.

The President. No. The question on the Fed is—I think that one of the reasons for the interest rates is still a lack of confidence out there that we do have inflation under control. What we want from the Fed is for the—we want the money supply to be increased at a range that is commensurate with the increase in the growth in the economy and that will thus make possible the continued growth of the economy without a return to inflation. So, therefore, we want no great big upsurges, nor do we want any string-tightening down to the point that there is not enough money supply in the economy.

Now, I have to say also, in behalf of the Fed, we must recognize these tools are not all that accurate that they have to work with. It is possible for there to be for limited times an inadvertent upsurge or an inadvertent decline that the Fed doesn't have anything to do with. They do as well as they can in trying to keep this projected growth.

Q. Well, are you backing off of the criticism by Secretary Regan?

The President. I think that that was what Secretary Regan was also trying to say. There was a downsurge recently. And that slump could have been—what I say—inadvertent. But as far as we know, they are within the two brackets. They have an upper line and a lower line, and they try to keep the increase within those lines.

Q. That was his hidden message.

Q. Are you sorry you appointed Volcker—reappointed him?

Q. How about a glove? Have you considered a glove?

Q. Special Prosecutor, Mr. President? What about the Special Prosecutor in the Carter briefing papers?

Mr. Speaker. That's all we've got—

The President. Just lead off with all of your articles and reporting that the Congress should approve the funding for MX, and I'll be happy.

Q. As Michael Jackson would say, beat it. [Laughter]

Note: The President spoke at 1:01 p.m. in the Briefing Room at the White House.

#### National Synthetic Fuels Program

Announcement of Proposed Legislation To Reduce Funding for the Program.  
May 14, 1984

The President announced today that he will transmit legislation to the Congress that would reshape the Nation's synthetic fuels program while reducing its estimated total cost by \$9.5 billion.

The legislation would rescind \$9.5 billion of the \$19 billion appropriated by Congress in 1980 for support of synthetic fuels. It would also limit the use of the remaining funds to those projects whose products will not cost significantly more than the projected market price of competing fuels.

The President's proposal is the result of careful review within the administration and reflects an effort to strike a balance between avoiding unnecessary and wasteful expenditures of scarce Federal dollars and preserving a sound, sensibly scaled national synthetic fuels program.

The administration also announced the President's intent to nominate three individuals to fill the current vacancies on the Board of Directors of the Synthetic Fuels Corporation. A fourth nomination is currently in progress.

Enactment of the proposed legislation would leave the Synthetic Fuels Corporation with approximately \$4.6 billion in unobligated funds that could be used to support a wide array of carefully selected private synthetic fuels projects. These projects would be in addition to the four major synthetic fuels projects and other alternative energy grants totaling approximately \$5 billion that have received Federal support from the funds appropriated to the Energy Security Reserve in 1980.

The Synthetic Fuels Corporation was established in 1980 with the enactment of the Energy Security Act of 1980 for the purpose

of providing financial assistance to commercial-scale synthetic fuels projects.

#### 1984 Olympic Torch Relay

Remarks at a White House Ceremony  
May 14, 1984

Members of the Congress, distinguished guests, and friends of the Olympics, it's a pleasure to welcome you and to have this opportunity to take part in this ceremony.

The 1984 Olympic Torch Relay carries on in the footsteps of 10 previous Olympics. By the time the torch reaches the Los Angeles Coliseum on July 29th, it will have passed through 33 States, more than a thousand communities, and, as you've probably guessed, through the District of Columbia.

But I believe this year's relay is truly special because it's giving something back to our young people. Thanks to the generosity of thousands of Americans, we now have a multimillion-dollar fund to promote and expand amateur sport training. I'm so pleased that the Legacy for Youth program will help the Special Olympics, the family YMCA's, Boys' Clubs and Girls' Clubs of America strengthen their commitment to the growth and well-being of young people all across America.

The Olympic torch, the symbol of continuity between the ancient and modern Olympic games, was a proud tradition. It is now in our hands, and the United States is totally committed to upholding the Olympic Charter and the traditions which this torch represents. As the host nation for the games of the 23d Olympiad, we will fulfill our responsibilities. Athletes and Olympic officials of all countries will find a warm welcome in Los Angeles and will be treated equally and without discrimination.

As you know, the Los Angeles Olympic Organizing Committee and the International Olympic Committee have done everything possible to create a hospitable climate in which all participants will be able to perform to the best of their ability. And I have instructed agencies of the Federal Government to cooperate fully with Olympic and

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6-7-84 (SC)  
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support a peace settlement and national reconstruction. The time for war in El Salvador is over; the time for a peace settlement is now.

# Letter to Congressional Leaders Transmitting a Report Pursuant to the Resolution Authorizing the Use of Force Against Iraq

January 16, 1991

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 2(b) of the Authorization for Use of Military Force Against Iraq resolution (H.J. Res. 77, Public Law 102-1), I have concluded that:

1. the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with U.N. Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, 677, and 678; and
2. that those efforts have not been and could not be successful in obtaining such compliance.

Enclosed is a report that supports my decision.

Sincerely,

George Bush

*Notes: Identical letters were sent to Thomas Foley, Speaker of the House of Representatives; Robert C. Byrd, President pro tempore of the Senate; George J. Mitchell, Senate majority leader; Robert Dole, Senate Republican leader; and Robert H. Michel, House Republican leader.*

## Statement by Press Secretary Fitzwater on Allied Military Action in the Persian Gulf

January 16, 1991

I have a statement by the President of the United States:

The liberation of Kuwait has begun. In conjunction with the forces of our coalition partners, the United States has moved under the code name Operation Desert Storm to enforce the mandates of the United Nations Security Council. As of 7 p.m. Eastern Standard Time, Operation Desert Storm forces were engaging targets in Kuwait and Iraq.

President Bush will address the Nation at 9 p.m. tonight from the Oval Office. I'll try to get you more as soon as we can. Thank you very much.

*Notes: Press Secretary Fitzwater read the statement to reporters at 7:08 p.m. in the Briefing Room at the White House.*

## Address to the Nation Announcing Allied Military Action in the Persian Gulf

January 16, 1991

Just 2 hours ago, allied air forces began an attack on military targets in Iraq and Kuwait. These attacks continue as I speak. Ground forces are not engaged.

This conflict started August 2d when the dictator of Iraq invaded a small and helpless neighbor. Kuwait—a member of the Arab League and a member of the United Nations—was crushed; its people, brutalized. Five months ago, Saddam Hussein started this cruel war against Kuwait. Tonight, the battle has been joined.

This military action, taken in accord with United Nations resolutions and with the consent of the United States Congress, follows months of constant and virtually endless diplomatic activity on the part of the United Nations, the United States, and many, many other countries. Arab leaders sought what became known as an Arab solution, only to conclude that Saddam Hussein was unwilling to leave Kuwait. Others traveled to Baghdad in a variety of efforts to restore peace and justice. Our Secretary of State, James Baker, held an historic meeting in Geneva, only to be totally rebuffed. This past weekend, in a last-ditch effort, the Secretary-General of the United Nations went to the Middle East with peace in his heart—his second such mission. And he came back from Baghdad with no progress at all in getting Saddam Hussein to withdraw from Kuwait.

Now the 28 countries with forces in the Gulf area have exhausted all reasonable efforts to reach a peaceful resolution—have no choice but to drive Saddam from Kuwait by force. We will not fail.

As I report to you, air attacks are underway against military targets in Iraq. We are

determined to knock out Saddam Hussein's nuclear bomb potential. We will also destroy his chemical weapons facilities. Much of Saddam's artillery and tanks will be destroyed. Our operations are designed to best protect the lives of all the coalition forces by targeting Saddam's vast military arsenal. Initial reports from General Schwarzkopf are that our operations are proceeding according to plan.

It is clear: Saddam Hussein's forces will leave Kuwait. The legitimate government of Kuwait will be restored to its rightful place, and Kuwait will once again be free. Iraq will eventually comply with all relevant United Nations resolutions, and when peace is restored, we hope that Iraq will live as a peaceful and cooperative member of the family of nations, enhancing the security and stability of the Gulf.

Some may ask: Why act now? Why not wait? The answer is clear: The world could wait no longer. Sanctions, though having some effect, showed no signs of accomplishing their objective. Sanctions were tried for well over 5 months, and we and our allies concluded that sanctions alone would not force Saddam from Kuwait.

While the world waited, Saddam Hussein systematically raped, pillaged, and plundered a tiny nation, no threat to his own. He subjected the people of Kuwait to unspeakable atrocities, and among those maligned and murdered, innocent children.

While the world waited, Saddam sought to add to the chemical weapons arsenal he now possesses, an infinitely more dangerous weapon of mass destruction—a nuclear weapon. And while the world waited, while the world talked peace and withdrawal, Saddam Hussein dug in and moved massive forces into Kuwait.

While the world waited, while Saddam stalled, more damage was being done to the fragile economies of the Third World, emerging democracies of Eastern Europe, to the entire world, including to our own economy.

The United States, together with the United Nations, exhausted every means at our disposal to bring this crisis to a peaceful end. However, Saddam clearly felt that by stalling and threatening and defying the

United Nations, he could weaken the forces arrayed against him.

While the world waited, Saddam Hussein met every overture of peace with open contempt. While the world prayed for peace, Saddam prepared for war.

I had hoped that when the United States Congress, in historic debate, took its resolute action, Saddam would realize he could not prevail and would have to leave Kuwait. In some ways, the United Nations resolution was a disappointment. He did not do that. Instead, he remained intransigent, certain that time was on his side.

Saddam was warned over and over again to comply with the will of the United Nations: Leave Kuwait, or be driven out. Saddam has arrogantly rejected all warnings. Instead, he tried to make this a dispute between Iraq and the United States of America.

Well, he failed. Tonight, 28 nations—countries from 5 continents, Europe and Asia, Africa, and the Arab League—have forces in the Gulf area standing shoulder to shoulder against Saddam Hussein. These countries had hoped the use of force could be avoided. Regrettably, we now believe that only force will make him leave.

Prior to ordering our forces into battle, I instructed our military commanders to take every necessary step to prevail as quickly as possible, and with the greatest degree of protection possible for American and allied service men and women. I've told the American people before that this will not be another Vietnam, and I repeat this here tonight. Our troops will have the best possible support in the entire world, and they will not be asked to fight with one hand tied behind their back. I'm hopeful that this fighting will not go on for long and that casualties will be held to an absolute minimum.

This is a historic moment. We have in this past year made great progress in ending the long era of conflict and cold war. We have before us the opportunity to forge a new world order—a world where the rule of law, not the law of the jungle, governs the conduct of nations. When we are successful, we will have a real chance at this new world order, an

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order in which a credible United Nations force can use its peacekeeping powers. The president said the United Nations is the only way to achieve a lasting peace.

We have no argument with the people of Iraq. Indeed, for the innocents caught in this conflict, I pray for their safety. Our goal is not the conquest of Iraq. It is the liberation of Kuwait. It is my hope that somehow the Iraqi people can, even now, convince their dictator that he must lay down his arms, leave Kuwait and let Iraq itself rejoin the family of peace-loving nations.

Thomas Paine wrote many years ago: "These are the times that try men's souls." Those well-known words are so very true today. But even as planes of the multinational forces attack Iraq, I prefer to think of peace, not war. I am convinced not only that we will prevail but that out of the horror of combat will come the recognition that no nation will be permitted to brutally assault its neighbor.

No president can easily commit our sons and daughters to war. They are the Nation's finest. Ours is an all-volunteer force, magnificently trained, highly motivated. The troops know why they're there. And listen to what they say, for they've said it better than any President or Prime Minister ever could.

Listen to Hollywood Huddleston, Marine lance corporal. He says, "Let's free these people, so we can go home and be free again." And he's right. The terrible crimes and tortures committed by Saddam's henchmen against the innocent people of Kuwait are an affront to mankind and a challenge to the freedom of all.

Listen to one of our great officers out there, Marine Lieutenant General Walter Boomer. He said: "There are things worth fighting for. A world in which brutality and lawlessness are allowed to go unchecked isn't the kind of world we're going to want to live in."

Listen to Master Sergeant J.P. Kendall of the 82d Airborne: "We're here for more than just the price of a gallon of gas. What we're doing is going to chart the future of the world for the next 100 years. It's better to deal with this guy now than 5 years from now."

And finally, we should all sit up and listen to Jackie Jones, an Army lieutenant, when

she says, "If we let him get away with this, who knows what's going to be next?"

I have called upon Hollywood and Walter and J.P. and Jackie and all their courageous comrades-in-arms to do what must be done. Tonight, America and the world are deeply grateful to them and to their families. And let me say to everyone listening or watching tonight: When the troops we've sent in finish their work, I am determined to bring them home as soon as possible.

Tonight, as our forces fight, they and their families are in our prayers. May God bless each and every one of them, and the coalition forces at our side in the Gulf, and may He continue to bless our nation, the United States of America.

*Note: President Bush spoke at 9:01 p.m. from the Oval Office at the White House. In his address, he referred to President Saddam Hussein of Iraq and Gen. H. Norman Schwarzkopf, commander of the U.S. forces in the Persian Gulf. The address was broadcast live on nationwide radio and television.*

#### Statement by Press Secretary Fitzwater on the Strategic Petroleum Reserve January 16, 1991

The President tonight authorized Secretary of Energy James D. Watkins, pursuant to the terms of the Energy Policy and Conservation Act, to draw down and distribute the Strategic Petroleum Reserve (SPR) at such a rate as the Secretary may determine.

The authorization to draw down the SPR is in conformance with the emergency response plan agreed to in the International Energy Agency (IEA) on January 11, 1991. The IEA plan provides that, in anticipation of any possible temporary shortfall in oil supplies in the event of hostilities in the Persian Gulf, 2.5 million barrels of oil per day be made available by member countries. The U.S. contribution to meeting the IEA commitment is 1.125 million barrels per day.

The President made a finding that events in the Persian Gulf have resulted in a potential national energy supply shortage con-

stituting a "severe energy supply interruption," as defined in section 3(8) of the Energy Policy and Conservation Act. The President's action was a precautionary measure, taken in concert with our IEA partners, designed to promote stability in world oil markets.

#### Exchange With Reporters on the Persian Gulf Conflict January 17, 1991

Q. Mr. President, based on what you've been told this morning, what are your thoughts at this point on how severely the Iraqis have been damaged, how long this may last, and at what cost?

The President. Well, again, I don't want to go into questions here because of the moment. I will say that was covered very well by Secretary Cheney and Colin Powell. And the way we're going to handle this is, I will not be commenting on the ups and downs—and there will be some downs—or the trauma of the moment—there's a lot of trauma of the moment. But I think it is fair to say—and I will be repeating this to the leaders here—that we are pleased with the way things have gone so far. We're determined to finish what we've set out to do. But I just think for procedural reasons, I'd like you all to know that I'm not going to be trying to do briefings from the White House on the details of the operations over there. I have full confidence in our Secretary of Defense and in our able Chairman of the Joint Chiefs and, of course, in our general, General Schwarzkopf.

So, for the future, though I'll be in touch with the American people, I think it's better to leave the details of the operations to the briefings over there. And, of course, I'll be available for questions from time to time. But when we don't have all the information, I just would hate to risk misleading the American people.

Having said that, I think all of us are very pleased that so far the operation is going forward with great success. And we keep praying that the loss of life will be held at an absolute minimum. And I feel so strongly about our troops over there. Certainly I

feel that way about them, and I feel that way about the innocents who might get caught up in this conflict. So, I think it's fair to say there's a lot of prayer going on both here and on Capitol Hill and across this whole country. And it will be that way until this is concluded.

Q. Mr. President, Saddam Hussein says he won't be crushed.

The President. I won't take others right now. Thank you.

Q. Are you concerned this early talk of success might lead to unwarranted optimism on some people's part?

The President. No, I'm not concerned. There is no unwarranted optimism, and there will be none. And I would refer you to the briefing of the Secretary of Defense and Chairman of the Joint Chiefs.

Thank you all very much.

*Note: The exchange began at 9:40 a.m. in the Cabinet Room at the White House, prior to a meeting with congressional leaders. In his remarks, the President referred to Gen. H. Norman Schwarzkopf, commander of the U.S. forces in the Persian Gulf.*

#### Exchange With Reporters on the Persian Gulf Conflict January 17, 1991

Q. Mr. President, will you insist on an unconditional surrender by Saddam?

Q. Has it reached that point, sir, that surrender is the answer?

The President. I tried very hard last night to spell out our objectives, and I think it's very clear. And the United Nations spelled them out, and they remain the same. He can call it anything he wants, interpret any way he wants, but we are going to prevail. I don't want to get caught up in some semantics about all of this. He's got to get out of Kuwait. And he's got to do it with no concessions or no condition. That was determined long ago when he failed to comply with the U.N. resolutions. And now, in keeping with those, we are using force, and we're not going to stop until he fully complies with the resolutions.

point, the President and the Prime Minister held a private meeting, after which the President spoke to the press.)

**President.** I might say, with the Japanese journalists here, that I had a chance to see the Prime Minister when he arrived here. I am grateful the United States is for the peace that we made on this visit and how I am personally to this Prime Minister and to everybody in Japan for their hospitality. The concern when I had that very, very brief illness, but the concern from the members of your Government, Members of the Diet, I will never forget. It was very, very thoughtful. And I am taking this opportunity to thank the Japanese people, on the business side and on the personal side, we could not have had a more dignified and more friendly meeting.

**Prime Minister.** I am very much pleased to hear from you, Mr. President. The Japanese people were really delighted to have you and Mrs. Bush in Tokyo. Unfortunately, just a slight illness, but perhaps brought you and Mrs. Bush to the Japanese, naturally.

reminded me of when President Ford visited Japan. And he inspected the parade, and the TV, and that really made him familiar to Japanese TV watchers.

**President.** I remember that. And I tell His Majesty how much we appreciate his hospitality for me.

**Prime Minister.** I will, sir.

**President.** But here you are, and you are for what you said here. But I tell you—I never—this got all out of proportion. And I think we're in good shape. And I think we're in good shape. And I think we're in good shape.

The President spoke at 6:50 p.m. at the Akasaka Hotel. A tape was not made for verification of the content of the remarks.

# Remarks to the United Nations Security Council in New York City January 31, 1992

Thank you, Mr. President, for your key role in convening this first ever summit of the United Nations Security Council.

Fellow members and Mr. Secretary-General, congratulations to you, sir, as you take on this great moment of history. And for the United States, it's a high honor to participate, to speak at this history-making event.

We are at a moment of great change. The United Nations was caught in a cold-war crossfire. And I think back to my days here in the early seventies as a Permanent Representative, of the way then polemics displaced peacekeeping. And long before I came on the scene and long after I left, the United Nations was divided by cruel ideological divisions and the struggle to contain Soviet expansion. And today, all that's changed. And the United Nations is breathing new life into the United Nations.

It was just one year ago that the world saw this reformed United Nations in action. The Security Council stood fast against aggression and stood for the sacred principles enshrined in the U.N. Charter. And now it's time to move forward, to make the United Nations a more effective organization, to accept the responsibilities necessary for a vigorous and effective United Nations. I want to assure the members of this Council and the Secretary-General that the United States can count on our full support in this task.

Today, for those brief remarks, I'll talk not on the economic and social agenda so eloquently addressed by President Borja, but rather I'll mention the proliferation of mass destruction weapons that are on the horizon, terrorism, human rights. They all require our immediate attention.

The world also challenges us to strengthen and sustain positive change. And we must advance the momentum toward democracy and freedom. Democratization I believe Boutros Boutros-Ghali called this, our distinguished Secretary-General—and around the circle of nations committed to human rights and the rule of law. It's an exciting opportunity for our United Nations, and we must not allow it to slip away.

Right now, across the globe, the U.N. is working night and day in the cause of peace. And never before in its four decades has the U.N.'s Blue Helmets and Blue Berets been so engaged in the noble work of peacekeeping, even to the extent of building the foundation for free elections. And never before has the United Nations been so ready and so compelled to step up to the task of peacekeeping, both to resolve hot wars and to conduct that forward-looking mission known as preventive diplomacy.

We must be practical as well as principled as we seek to free people from the specter of conflict. We must make every nation's obligation to live in peace. As conflicts are resolved and violence subsides, then the institutions of peace can take hold. And as they do, they become our strongest safeguards against aggression and tyranny.

Democracy is the foundation of law, and it is the basis of peace and freedom. And in the lives of millions of men and women around the world its import is simple. It can mean the difference between war and peace, healing and hatred, and where there is fear and despair, it really can mean hope.

We look to the Secretary-General to present to this Council his recommendations to ensure effective and efficient peacekeeping, peacekeeping and preventive diplomacy. And we look forward to exploring these ideas together.

We have witnessed change of enormous breadth and scope, all in but a few short years. A remarkable revolution has swept away the old regimes from Managua to Moscow. But everywhere, free government and the institutions that give it form will take time to flourish and mature.

Free elections give democracy a foothold, but true democracy means more than simply

the rule of the majority. It means an irrevocable commitment to democratic principles. It means equal rights for minorities. And above all, it means the safety of even a single individual against the unjust power of the state.

The will of the majority must never degenerate into the whim of majority. This fundamental principle transcends all borders. Human dignity, the inalienable rights of man, these are not the possessions of the state. They're universal. In Asia, in Africa, in Europe, in the Americas, the United Nations must stand with those who seek greater freedom and democracy. And that is my deep belief; that is the belief of the American people. And it's the belief that breathes life into the great principle of the universal declaration of human rights.

Our changed world is a more hopeful world, indeed, but it is not absent those who would turn back the clock to the darker days of threats and bullying. And our world is still a dangerous world, rife with far too many terrible weapons.

In my first address here to the United Nations as President, I challenged the Soviet Union to eliminate chemical weapons and called on every nation to join us in this crusade. His Majesty King Hassan of Morocco, making this point so well right here today. What greater cause for this great body, to make certain the world has seen the last of these terrible weapons. And so, let us vow to make this year the year all nations at long last join to ban this scourge.

There is much more to do regarding weapons of mass destruction. Just 3 days ago, in my State of the Union Message here, I announced the steps, far-reaching, unilateral steps, that we will take to reduce our nuclear arsenal. And these steps affect each element in our strategic triad, the land, the sea, and the air.

In addition to these unilateral steps, we are prepared to work toward an mutual arms reduction. I noted his constructive comments here today, and tomorrow, in my meeting with President Yeltsin, we will continue the search for common ground on this vitally important issue. He responded with some very serious proposals just the other day.

Handwritten: A Compilation of Presidential Remarks

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We welcome, the world welcomes, statements by several of the new States that won independence after the collapse of the U.S.S.R. that they will abide by the Nuclear Non-Proliferation Treaty. And yet, realism requires us to remain vigilant in this time of transition.

The danger of proliferation remains. And again, let me single out the earlier remarks by the President of the French Republic, President Mitterrand, on this subject, the clarion call to do something about it. We must act together so that from this time forward, people involved in sophisticated weapons programs redirect their energies to peaceful endeavors.

We'll do more in cooperation with our allies to ensure that dangerous materials and technology don't fall into the hands of terrorists or others. And we will continue to work with these new States to ensure a strong commitment to meet and maintain the highest international standards.

Today, the threat of global nuclear war is more distant than at any time in the nuclear era. Drawing down the old cold war arsenals will further ease that dread. But the specter of mass destruction remains all too real, especially as some nations continue to push to acquire weapons of mass destruction and the means to deliver them.

Our triumph in the Gulf is testament to the U.N.'s mission. Its security is a shared responsibility. Today, this institution spearheads a quarantine against the outlaw regime of Saddam Hussein. It is the strong belief of my country that we must keep sanctions in place and take the following steps to preserve our common security: We must continue to focus on Iraq's capability to build or maintain weapons of mass destruction. And we must make clear to the world and, most important, to the people of Iraq that no normalization is possible so long as Saddam Hussein remains there, remains in power.

As on all of the urgent issues I've mentioned today, progress comes from acting in concert, and we must deal resolutely with these renegade regimes, if necessary, by sanctioning or even removing them to compel them to observe international standards of behavior. We will not be blind to the dangers

we still face. Terrorists and their state sponsors must know there will be serious consequences if they violate international law.

Two weeks ago, this Council, in unity, sent a very strong message to Libya. And let me repeat today Resolution 731, passed unanimously by this body, by the Security Council, calls on Libya to comply fully with the requests of three States on this Council. And I would just like to use this meeting today to call on Libya to heed the call of the Security Council of the United Nations.

Last year, in the Gulf, in concert, we responded to an attack on the sovereignty of one nation with a united front, on the security of all. So, let me make it our mission to give this principle the greatest practical meaning in the conduct of nations.

Today, we stand at another crossroads. Perhaps the first time since that hopeful moment in San Francisco, we can look at our Charter as a living, breathing document. And yet, after 50 many years, it still may be in its infancy, requiring a careful and vigilant nurturing of its principles, but I believe in my heart that it is alive and well.

Our mission is to make it strong and sturdy through continued dedication and cooperation, and I know that we are up to the challenge. The nations represented here, like the larger community of the U.N. represented by so many Perm Reps here today, have it in their power to act for peace and freedom.

So, may God bless the United Nations as it represents you. Thank you, Mr. President.

*Note: The President spoke at 12:18 p.m. in the Security Council Chamber at the United Nations. In his remarks, he referred to Prime Minister John Major of the United Kingdom, Acting President of the United Nations Security Council, and President Rodrigo Borja of Ecuador.*

### Points of Light Recognition Program

The President named the following individuals and institutions as exemplars of his commitment to making community service

central to the life and work of every American.

#### January 25

Volunteers of The Arc of Benton County, of Corvallis, OR

#### January 27

Volunteers of Community Friends of Addison County, of Middlebury, VT

#### January 28

James Joseph, of New Orleans, LA

#### January 29

Chris Vig, of Eau Claire, WI

#### January 30

Seniors Helping Others (SHO), of Kingston, RI

#### January 31

John and Donna Steer, of Charlotte, AR

### Digest of Other White House Announcements

The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and not included elsewhere in this issue.

#### January 27

The President met at the White House with:

- the Vice President; Samuel K. Skinner, Chief of Staff to the President; Brent Scowcroft, Assistant to the President for National Security Affairs; and members of the CIA briefing staff;
- Samuel K. Skinner;
- Republican congressional leaders;
- Secretary of the Treasury Nicholas F. Brady.

The President selected the following individuals to represent the United States at the 48th session of the United Nations Human Rights Commission, January 27–March 6, in Geneva, Switzerland:

#### Head of Delegation:

John Kenneth Blackwell. Since 1991, Ambassador Blackwell has served as Chief Delegate

of the United States to the United Nations Human Rights Commission. In addition, he serves as a senior fellow at the Urban Morgan Institute for Human Rights at the University of Cincinnati, having served as mayor of Cincinnati.

#### Alternate Heads of Delegation:

Otto J. Reich. Currently Ambassador Reich serves as a partner and director with the Brock Group in Washington, DC, having served as U.S. Ambassador to Venezuela.

Ambassador Morris Abram. Currently Ambassador Abram serves as the U.S. Representative to the European office of the United Nations in Geneva, Switzerland. He has served as a former chairman of the National Conference on Soviet Jewry and Vice Chairman of the U.S. Commission on Civil Rights.

#### Public Delegates:

John F. Burgess. Currently Mr. Burgess serves as associate vice president for alumni relations of Georgetown University in Washington, DC.

Michael L. Davis. Currently Mr. Davis serves as president of Metropolitan Immigration Centers of America, Inc., in Los Angeles, CA.

Clyde Collins Snow. Currently Dr. Snow serves as a consultant in forensic anthropology and as a member of the graduate faculty and an adjunct professor of anthropology at the University of Oklahoma. He also serves as an adjunct professor of forensic sciences at Central State University in Edmond, OK.

#### January 28

The President met at the White House with:

- the Vice President; Samuel K. Skinner, Chief of Staff to the President; Brent Scowcroft, Assistant to the President for National Security Affairs; and members of the CIA briefing staff;
- Samuel K. Skinner;
- Republican Members of Congress;
- Cabinet members.

In the evening, the President and Mrs. Bush went to the U.S. Capitol, where the President attended a reception hosted by the congressional leadership in the Speaker's Conference Room prior to his address to a joint session of the Congress.

The White House announced that President Bush will travel to Orlando, FL, on February 4 to address the annual convention of

But when we see repression in the Baltics, it is very hard to have business as usual, say nothing about trying to catch up. So I'm very hopeful that the representations that were made to us when Mr. Bessmertnykh was here will prove to be do-able by President Gorbachev, and I am hopeful that we can find a way to move this productive relationship forward. But I am not in a position at this juncture to say exactly what we can do more positive while we have this big problem of—the human rights problem and the problem of this military crackdown in the Baltics. It puts us in a very difficult position, and I think the Soviet leaders know this. I've talked frankly to them about this, and I believe they know it. So, let's hope that these things can go forward with a peaceful resolution to the question of the Baltics.

**Q:** Since it's the Economics Club, we have an economics question. In reaction to the S&L crisis and in response to new and tougher guidelines from banking regulators, many banks have now become ultraconservative—some to the point of making no loans at all.

just heard about will stimulate and encourage bank lending in the United States?

*The President.* To answer the easy part—I think the—less controversial part—*[laughter]*—the new Brady proposal—it will be called the Bush proposal if it's successful—*[laughter]*—should indeed renew confidence. Regulatory reform is long overdue. I headed a task force when I was Vice President that I thought came up with some very sound recommendations for regulatory reform.

Now Secretary Brady has come up with some recommendations that I think are even better. They're more simplified. The Fed manages one set of organizations and the new organization under Treasury another. And I should think this would renew confidence. I think the interest rates coming down should instill confidence. And, yes, I do believe that some of the regulators—I'm not sure I can answer it specifically on regulations per se—but I think some of the regulators in the past got overzealous, and I think that scared some of the banks.

Just to be fair about it, I think some of the banks made some bad loans. [Laughter] And so what I think we're seeing is, in an effort in this reform legislation and hopefully as the economy starts coming out, a banking system that is fundamentally sound, a banking system that deserves the confidence of the American people—and I think these reforms will help on that—a banking system that will be able to get into other forms of business, as some of our competitors abroad do. And that, I think, should usher in a whole new era of prosperity involving fundamental loaning by these banks.

Q. Mr. President, I was talking with an old friend of yours, Tip O'Neill, the other day. [Laughter] And he seems to be now one of your greatest friends and advocates and supporters of you—particularly of your management of American foreign policy in your Presidency. But he asked me to ask you—[laughter]—housing is fundamental to our economy. The rate of housing and construction is less now than it was in 1982. And he feels it ought to be at least 20 per-

cent higher. What do you have in mind, if anything, to correct this situation?

*The President.* First, let me profess my love for Tip O'Neill. *[Laughter]* And I really, sincerely mean it, as I think many people—I know Barbara knows, and I really feel strongly about it—the guy has not been well lately, nor has Millie, his wife, who we love dearly. So, I will take this opportunity through C-SPAN or whoever to pay my genuine respects and affection to him. He knows this. And I think you've phrased it very well—we do have a different approach on how housing should be done in this country. I think when Tip goes back, he was talking about government-paid-for, government-owned housing.

Our approach is something else. We believe that the best way to do it is to have tenant management, encourage ownership, voucher systems. We have a program called HOPE, which relates fundamentally to home ownership as opposed to Federal ownership. We have put much more money in the budget for this. We happen to believe that enterprise zones going into low-income areas would do an awful lot to bring business there and thus enable people to buy more homes.

So, I hope that the program that we've put forward—the HOPE program—will have the support of many of Tip's former colleagues. I have a feeling it will. We'd made a good step on it last year in the Congress and got good support from both sides of the aisle. But if Tip is referring to the government-owned-bricks-and-mortar approach, we think that that has been tried, and we think in many instances it has failed. We think it has built misery into the system. You've seen programs in St. Louis that at one time looked good, and then they had to tear them down in their entirety.

So, I would like to encourage support for this new approach which empowers the people and I think will lead to far more housing.

Q. Mr. President, you have talked several times about basing the future on a new world order. Can you give us a definition of a new world order? And if it depends on the collaboration between the Soviet Union

If ~~and the United States~~, how do events in the Soviet Union affect this concept?

The President. Well, it depends entirely on the situation. I think we have enough to do to get down the road with the commitment to market reform, to private ownership of land, to free trade, to a system that will bring order and stability to the country, to get farther down the road with elections and all the openness that the President Gorbachev has, and all as well as the openness in terms of markets and the reforms in terms of openness. We're going to continue to support this process. But I think it would be a mistake to say that they

...of a new world order...  
...I think that the  
follow the United Nations see the economic  
and social side of the United Nations as  
having performed well since it was found-  
ed. Most people that follow it find that the  
peacekeeping function for the most part has  
not been too bad. And one of the things  
it has done is to bring the various countries  
of the world into a more common security  
Council—one of them being the  
United States.

When I was Ambassador 20 years ago in the U.N., we hardly ever voted with the Russians. Now we're with on everything. The world order is changing. It's a peace-keeping mission in the United Nations. I cannot and I will not predict a Soviet Union going back, turning its back on reform, ~~turning its back on~~ turning its back on ~~democracy~~ openness. I don't believe, no matter what the ferment in the Soviet Union today, that they're ever going to go back to that. And I don't think they're ever going to go back to that.

And so it would involve though much more ~~work~~ ~~than~~ ~~between~~ the United States and the Soviet Union. And on matters of the Gulf, in international relations, not bilateral. ~~It~~ ~~is~~ ~~a~~ ~~highly~~ ~~emphatic~~ ~~peacekeeping~~ ~~function~~ of the United Nations itself.

One of the reasons we have so much support for this is the fact that there are 12 resolutions that speak to the Gulf, and that has mobilized world opinion. And so when we are successful in fulfilling all 12 of those resolutions, I think there's going to be new credibility for the peacekeeping function. We should have been able to have Soviet cooperation all along the way. And that's why I'm not going to back off on my efforts to try to improve relations with the Soviet Union.

Then, we've got to get out of the way. And we have to make sure that they've been through a difficult time. I took on some shots for trying to keep relations from China. I was offended as anybody else was by the Chinese houses at Tiananmen Square and spoke out on it. But I think it's important to have a member of the Security Council go along and be with us on these matters of trying to bring peace to troubled corners of the world.

#### Soviet-U.S. Trade

Q. Mr. President, this is a followup question having to do with Soviet trade. The Jackson-Vanik amendment—the Jackson-Vanik bill—has been in effect since 1972; really, in effect, says that we cannot have normal trade with the Soviet Union until they have permitted free emigration from their country.

There's no question but what the Jackson-Vanik legislation has played a role in Gorbachev's decision to free emigration. So in that sense, it has been a success. Now the emigration rate from Israel is about 600,000 a year, which is 10 times more than we asked for. And most of the religious organizations that I know are saying they're very happy with it and very well satisfied. And as a matter of fact, Prime Minister Shamir of Israel has said publicly that he thinks it's totally satisfactory.

There doesn't seem to be much possibility that they're going to get around to codifying that, but it's the custom in Russia for 100 years that emigration is an administrative decision. I'm wondering, recognizing

the problems in Congress, do you think there's a possibility, in view of the fact that they have fulfilled that commitment, that Congress will authorize business with the Soviet Union on the same basis that we trade with other countries somewhere along the line here?

The President. The provisions of—what they have agreed to do is pass legislation that will, I think as you put it, codify this. They have not been able to do that. I think they've got some internal problems inside the Soviet Union on this. Under our law, they have to be passed before we can have the kinds of trade agreements and other things with them that we would like to have.

I think you make a very good point on the fact of emigration. The Israelis are pleased. The Israelis have started up—taken a step through consular relations for diplomatic relations, and they're very happy with the exodus, and so am I, as one who have been very much concerned about the exodus of Soviet Jews to Israel and to other places.

I don't want to overstate the problems of the present. I can tell you it would be extraordinarily difficult to pass anything of this nature in terms of waivers given the current situation inside the Soviet Union. It is very difficult to do. You see all kinds of legislation getting talked about and some perhaps already being offered that would indeed move the relationship backwards not towards understanding of this nature. So it is my fervent hope that problems that I've outlined earlier in the Baltics can be resolved peacefully and demonstrably so, so that we can get on with finding ways to improve our trade relations.

#### Defense Spending

Q. Mr. President, with the end of the cold war, many Americans believe we might be able to reduce our spending on national defense, creating a so-called peace dividend. Has the Gulf war and the problems inside the Soviet Union delayed or eliminated the chance for a peace dividend, or do you see it long-term?

The President. No, we've actually—well, let me to dividend in a minute. But in terms of—I always had a different concept

of dividend—[laughter]—you have a profit, you pay a dividend. If you don't, why, you don't. We're operating at 300-and-some-billion-dollar deficit—[laughter]—so we're not in exactly a dividend-paying mode, but the fact of the matter is that we have reduced defense spending.

It is substantially reduced with almost every other account going up in this budget. When you take a look at what we put out there yesterday, you'll see that defense spending is down. I think it's robust enough to have the kind of rapid deployment force that's going to be required in the future.

You heard Cheney yesterday doing a superb job testifying about why we're having to lay up some of the battleships that are proving themselves today off Kuwait. He said he had to make the tough choices, and we've done that. But we are not going to do it to the degree some of the antidefense Members of Congress want, where they want to go in and slash 30 percent out of the muscle of defense.

And I think if there ever is a reason not to do it, you just have to look halfway across the world today. So we're not going to stand for that. And I think that we are going to try to find ways to further reduce defense spending, but not at the risk of weakening our fundamental defense. And I think that some of the criticized high-technology weapons are paying off.

I am annoyed at the propaganda coming out of Baghdad about targeting civilians. This has been fantastically accurate. And that's because a lot of money went into high technology weaponry—these laser-guided bombs and a lot of other things, Stealth technology—many of these technologies ridiculed in the past now coming into their own and saving lives, not only American lives, coalition lives, but the lives of Iraqis.

And so, we are going to have to have a high-tech, a highly mobile force. And it ain't going to come cheap. It's not to come cheap, not going to be achieved by slashing the muscle of our defense. And I will keep it strong. And I think yesterday's budget, which is at a reduced number from what we had before, is going to provide us that kind of force. But anything less I won't stand for.

#### Block Grants

Q. Mr. President, our Governor Edgar was grinning from ear to ear, very, very pleased about the Governors' meeting the other day where it was explained to him your new plan to transfer a good many functions to the States. I wonder if you wouldn't mind telling us the philosophy behind this new emphasis on State activity.

The President. Actually, one, it's a concept that could have the label "block grant." The Governors heretofore have been suspicious of block grants because they never got the funds with it. They got the mandates; they had strings attached. And this is a block grant where we have proposed by name the elimination of programs. And we then say the money saved—\$15 billion is the figure we're using—will be distributed to the States to use as they see fit.

And the philosophy behind it is very, very true. I have been President only 2 years. But I believe that the best problem-solving is done as close to the people as possible—at the State level or at the local level. And so this concept is to give these Governors the opportunity in these various fields, and the money with it, to solve the problems. It will cause innovation, it will cause a lot of experimentation, but it will be done without some centralized mandate from a committee chairman or committee action in Washington.

So, the concept isn't spectacularly new, but it has never been tried where you actually get it fully funded and give the Governors that flexibility. Now, some of the mayors are upset because they say, "Hey, don't give it to Governors, give it to us." We can't give it to everybody, so we'll give it to the Governors and let them use their legislatures to distribute it.

But it was well-received by liberals, conservatives, Republicans, and Democrats at the gubernatorial level. Now our fight is to take some of these entrenched committee interests in the Congress and have them look at it with the same farsighted view. [Laughter]

#### Economic Stimulants

Q. Mr. President, the war in the Gulf has shown your decisive leadership. Every



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through September 22, 1990, as "National Rehabilitation Week" and has authorized and requested the President to issue a proclamation in observance of this week.

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim the week of September 16 through September 22, 1990, as National Rehabilitation Week. I urge all Americans to observe this week with appropriate ceremonies and activities, including educational programs designed to heighten awareness of rehabilitative services and of the ways such services enrich the lives of persons with disabilities.

In Witness Whereof, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.

George Bush

[Filed with the Office of the Federal Register, 4:47 p.m., September 11, 1990]

Address Before a Joint Session of the Congress on the Persian Gulf Crisis and the Federal Budget Deficit  
September 17, 1990

Mr. President and Mr. Speaker and Members of the United States Congress, distinguished guests, fellow Americans, thank you very much for that warm welcome. We gather tonight, witness to events in the Persian Gulf as significant as they are tragic. In the early morning hours of August 2nd, following negotiations and promises by Iraq's dictator Saddam Hussein not to use force, a powerful Iraqi army invaded its trusting and much weaker neighbor, Kuwait. Within 3 days, 120,000 Iraqi troops with 850 tanks had poured into Kuwait and moved south to threaten Saudi Arabia. It was then that I decided to act to check that aggression.

At this moment, our brave servicemen and women stand watch in that distant desert and on distant seas, side by side with the forces of more than 20 other nations. They are some of the finest men and

women of the United States of America. And they're doing one terrific job. These valiant Americans were ready at a moment's notice to leave their spouses and their children, to serve on the front line halfway around the world. They remind us who keeps America strong: they do. In the trying circumstances of the Gulf, the morale of our service men and women is excellent. In the face of danger, they're brave, they're well-trained and dedicated.

A soldier, Private First Class Wade Merritt of Knoxville, Tennessee, now stationed in Saudi Arabia, wrote his parents of his worries, his love of family, and his hope for peace. But Wade also wrote, "I am proud of my country and its firm stance against inhumane aggression. I am proud of my army and its men. I am proud to serve my country." Well, let me just say, Wade, America is proud of you and is grateful to every soldier, sailor, marine, and airman serving the cause of peace in the Persian Gulf. I also want to thank the Chairman of the Joint Chiefs of Staff, General Powell, the Chiefs here tonight; our commander in the Persian Gulf, General Schwartzkopf; and the men and women of the Department of Defense. What a magnificent job you all are doing. And thank you very, very much from a grateful people. I wish I could say that their work is done. But we all know it's not.

So, if there ever was a time to put country before self and patriotism before party, the time is now. And let me thank all Americans, especially those here in this Chamber tonight, for your support for our armed forces and for their mission. That support will be even more important in the days to come. So, tonight I want to talk to you about what's at stake—what we must do together to defend civilized values around the world and maintain our economic strength at home.

Our objectives in the Persian Gulf are clear, our goals defined and familiar; Iraq must withdraw from Kuwait completely, immediately, and without condition. Kuwait's legitimate government must be restored. The security and stability of the Persian Gulf must be assured. And American citizens abroad must be protected. These goals are not ours alone. They've been endorsed by the United Nations Security Council five times in as many weeks. Most

countries share our concern for principle. And many have a stake in the stability of the Persian Gulf. This is not, as Saddam Hussein would have it, the United States against Iraq. It is Iraq against the world.

As you know, I've just returned from a very productive meeting with Soviet President Gorbachev. And I am pleased that we are working together to build a new relationship. In Helsinki, our joint statement affirmed to the world our shared resolve to counter Iraq's threat to peace. Let me quote: "We are united in the belief that Iraq's aggression must not be tolerated. No peaceful international order is possible if larger states can devour their smaller neighbors." Clearly, no longer can a dictator count on East-West confrontation to stymie concerted United Nations action against aggression. A new partnership of nations has begun.

★ We stand today at a unique and extraordinary moment. The crisis in the Persian Gulf, as grave as it is, also offers a rare opportunity to move toward a historic period of cooperation. Out of these troubled times, our fifth objective—a new world order—can emerge; a new era—freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace. An era in which the nations of the world, East and West, North and South, can prosper and live in harmony. A hundred generations have searched for this elusive path to peace, while a thousand wars raged across the span of human endeavor. Today that new world is struggling to be born, a world quite different from the one we've known. A world where the rule of law supplants the rule of the jungle. A world in which nations recognize the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak. This is the vision that I shared with President Gorbachev in Helsinki. He and other leaders from Europe, the Gulf, and around the world understand that how we manage this crisis today could shape the future for generations to come.

The test we face is great, and so are the stakes. This is the first assault on the new world that we seek, the first test of our mettle. Had we not responded to this first provocation with clarity of purpose, if we





# MAPS: Geographers Redraw Future National Boundaries.

Continued from Page 1

draws of the future world map—the rhyme on these pages are computer-based on the parameters of a half a dozen reports (see below on Page 3).

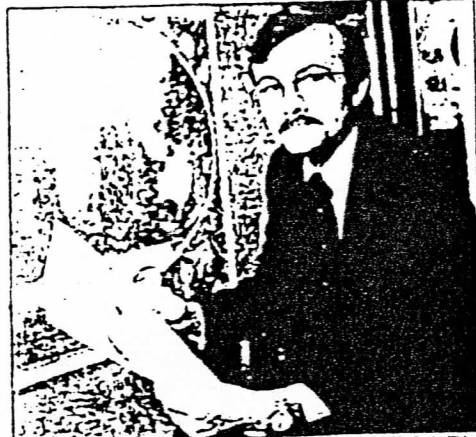
But they do agree that reworking the globe will be the beginning of several fundamental trends, ranging from the potential pull of population and the spread of democracy to the very concept of a modern state.

First, says Gleditsky, will be altered as nations break away from traditional states, as has happened partially in Yugoslavia over the past year and partially in Czechoslovakia this year.

Second, says Gleditsky, is the increasing role of the state as a unit of power. "The state is becoming more important than ever," he says. "It is becoming more important than ever."

Third, says Gleditsky, is the increasing role of the state as a unit of power. "The state is becoming more important than ever," he says. "It is becoming more important than ever."

Fourth, says Gleditsky, is the increasing role of the state as a unit of power. "The state is becoming more important than ever," he says. "It is becoming more important than ever."



What we're dealing with is the re-creation of countries," says William E. Ward, State Department spokesman. But he also sees a tendency to keep states small.

"It's a bit radical," Ward responded. "But it's what we're looking toward."

All the major trends mentioned in a new report that have one important common denominator: They reflect a new push toward decentralization, or the transfer of political power from traditional states to smaller units—often encouraged by such factors as the spread of democracy, population pressure, communications and technology advances, and ethnic divisions.

"People want empowerment at the local level. When they feel their lives are being run by others far away who can identify with them, they reverse this movement and local citizens to manage the decision-making effect," Knight said.

To illustrate, he says, many nations are increasingly likely to seek smaller alternatives that are more similar to conventional

ones. The long-reigning Soviet Union, for example, has been broken apart into 15 new states of Ukraine and Moldova, and a new state of Chechnya. In the Balkans, Bosnia and Herzegovina, Macedonia, and Serbia, there have been moves toward independence.

Other states, such as those in the Pacific, the Middle East, and West Africa, are also moving toward independence, and some are already doing so.

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Excited child runs near church to celebrate her first Communion after religious education in San Pedro Mexican, Mexico. The site is overseen by missionaries.

## MEXICO: Many Seek Costly Ancient Honor

Continued from Page 1

says Luis Flores, explaining how missionaries are excited. They would not merely have their names, but they would have their names in the Bible.

"Before, when you were teaching your son, you had to go to the priest to get the Bible," says Flores. "Now, when you are teaching your son, you can go to the priest to get the Bible."

The priest, who has been teaching his son, says Flores. "Now, when you are teaching your son, you can go to the priest to get the Bible."

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## Why States Break Down: 3 Guidelines

The Times panel of political geographers offered several rules of thumb about a half dozen factors that determine whether a state will work or fail. Among them:

• Long, thin states are problematic.

"Elongated states are more difficult to manage," says Robert J. Ruggie, a professor at the University of Toronto. "They are more difficult to manage."

• Large states are more problematic.

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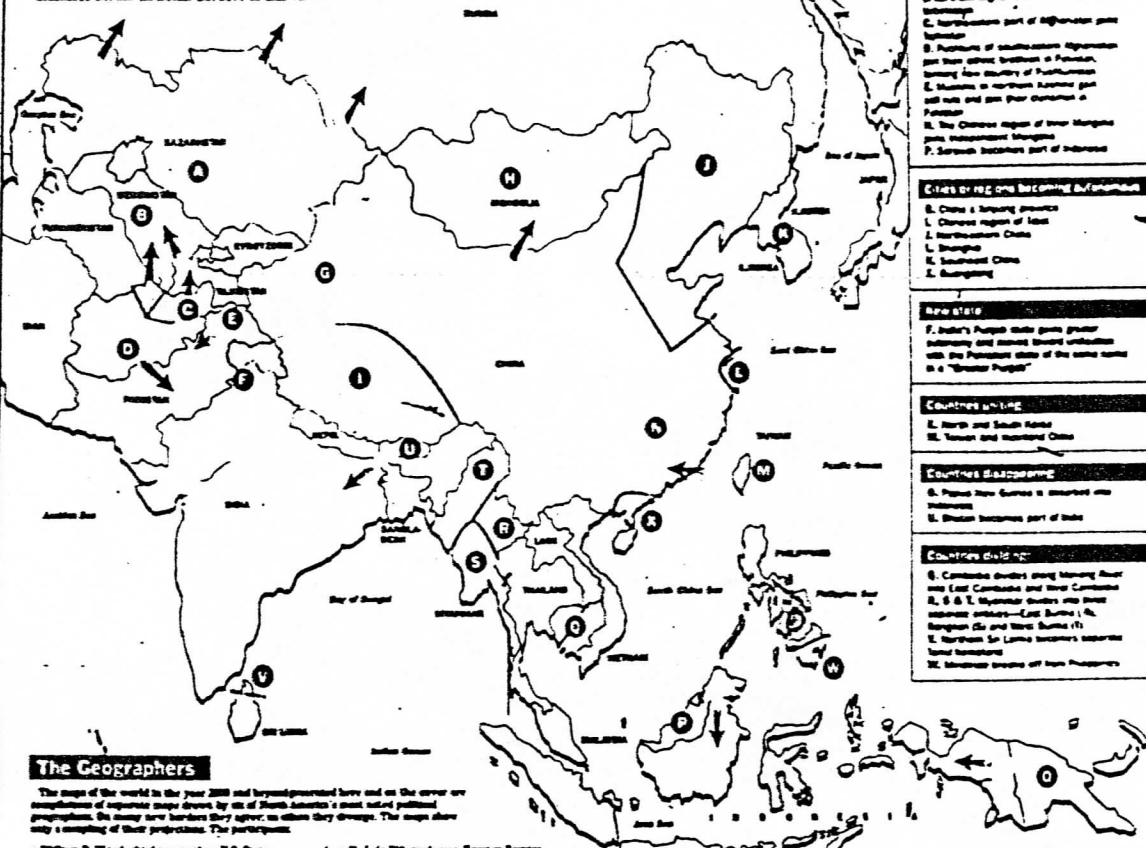
• Large states are more problematic.

"Large states are more difficult to manage," says Ruggie. "They are more difficult to manage."



# 21st-Century Asia?

China will develop several autonomous regions and absorb Taiwan, the two Koreas will reunite and ethnic groups will form alliances across national borders in this view of the future.



- Regions to Watch**
  - A. Northern Kazakhstan becomes part of Russia
  - B. Reunification of North and South Korea
  - C. Reunification of North and South Korea
  - D. Reunification of North and South Korea
  - E. Reunification of North and South Korea
  - F. Reunification of North and South Korea
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  - O. Reunification of North and South Korea
  - P. Reunification of North and South Korea
  - Q. Reunification of North and South Korea
  - R. Reunification of North and South Korea
  - S. Reunification of North and South Korea
- Cities of the Future**
  - 1. China's largest province
  - 2. Chinese region of Tibet
  - 3. Northern China
  - 4. Beijing
  - 5. Southern China
  - 6. Shanghai
- New States**
  - 7. India's Punjab state gains greater autonomy and moves toward unification with the Pakistani state of the same name in a "Greater Punjab"
- Countries on the Rise**
  - 8. North and South Korea
  - 9. Taiwan and mainland China
- Countries on the Decline**
  - 10. Former Soviet Union is absorbed into Russia
  - 11. Soviet Union becomes part of India
- Countries on the Edge**
  - 12. Cambodia divides along ethnic lines into East Cambodia and West Cambodia
  - 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 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SACRAMENTO FILE

# Assembly Passes Bill Requiring LifeJackets for Children in Boats

Legislation to require most young children to wear life jackets to help save lives that could be lost in small boating accidents has been sent to Gov. Pete Wilson's desk by the Assembly.

The lower house voted 45 to 32 to grant final approval to the bill (AB 1856) sponsored by Assemblywoman Jackie Speier (D-Burlingame).

It would make it illegal to operate a boat under 26 feet in length unless children under the age of 6 are wearing life jackets. Small children inside a boat cabin or restrained by a harness fastened to a sailboat would be exempted.

Violators would be subject to \$250 fines. A spokesman for the governor said he has no position on the measure at this time.

## GOVERNOR

■ Signed into law a bill (SB 884) by Sen. Tim Leslie (R-Carmel/Bay) to require legislative approval of new state lottery games.

## ASSEMBLY

### Floor Action

■ Gang Clothing: Passed and sent to the governor on a 43-0 vote a bill (AB 980) by Assemblywoman Doris Allen (R-Cypress) to let local school boards adopt dress codes to prohibit students from wearing gang-related clothing.

■ Guns on Campus: Passed and sent to the governor on a 63-0 vote a bill (AB 342) by Assemblywoman Paula Boland (R-Granada Hills) to require school principals to immediately suspend and recommend for expulsion students found on campus with a firearm, knife or explosive in their possession.

■ Smoking Ban: Passed and sent to the governor on a 41-11 vote a bill (AB 291) by Assemblywoman Jackie Speier (D-Burlingame) to prohibit smoking in most state buildings, including those controlled by the Legislature, the court system, the University of California, the state colleges and the community colleges.

■ Sheriff's Department Merger: Passed and sent to the governor on a 40-11 vote a bill (AB 1587) by Assemblyman Richard Kats (D-Sylmar) to allow Los Angeles County supervisors to consolidate the Sheriff's Department and the Maricopa Department to save an estimated \$30 million to \$15 million a year.

■ Pornographic Videos: Passed and sent to the governor on a 52-0 vote a bill (AB 538) by Assemblyman Bernie Richter (R-Chico) to make it a crime to rent a video and add pornographic footage to it to shock unsuspecting subsequent viewers.

■ Lake Tahoe: Passed and returned to the Senate for concurrence in amendments on a 55-11 vote a bill (SB 648) by Sen. Tim Leslie (R-Carmel/Bay) to make special Lake Tahoe scene license plates available for an additional fee to raise money for lake preservation projects.

■ Pickup Trucks: Passed and sent to the governor on a 44-26 vote a bill (AB 153) by Assemblyman Curtis Tucker Jr. (D-Inglewood) to prohibit people from riding in the beds of open pickups unless they are secured by a restraint system.

■ Death Penalty: Passed and sent to the Senate on a 54-10 vote a bill (AB 2403) by Assemblyman Bob Epple (D-Cerritos) to prevent third party appeals in state courts on behalf of Death Row inmates who choose not to fight their executions.

## SENATE

### Floor Action

■ Spousal Rape: Passed and returned to the Assembly for concurrence in amendments on a 28-7 vote a bill (AB 187) by Assemblywoman Hilda Solis (D-El Monte) to make spousal rapists subject to the same prison sentences as other rapists.

■ Children's Rights: Passed and returned to the Assembly for concurrence in Senate amendments on a 21-11 vote a bill (AB 887) by Assemblywoman Marguerite Archie-Hudson (D-Los Angeles) urging development of a "children's bill of rights" to draw public attention to their special needs and recommend ways to meet them.

■ Foreign Bonds: Passed and returned to the Assembly for concurrence in Senate amendments on a 22-3 vote a bill (AB 216) by Assemblyman Burt Margolin (D-Los Angeles) to allow state and local pension funds to purchase bonds unconditionally guaranteed by other nations such as Israel, Canada or Mexico.

### Committee Action

■ Breast Cancer: The Appropriations Committee approved a bill

Continued from B1

or other weapon to school.

"Every young person must know that they do not, under any circumstance, bring a gun to school. . . . We have a firm policy," Thompson said, reflecting the major school safety concerns among parents and students in the wake of two recent fatal campus shootings.

He also told principals that they must make a bigger commitment to improving bilingual education, despite the emotional statewide debate over whether students should be taught core courses in their native languages.

Thompson stressed that all students with English language deficiencies—including Latinos, Asians and African-Americans—must be better served by the district's overall policy on bilingual education. He said the newly formed office of school instruction can offer guidance.

"Our commitment is to language development for all our children," Thompson said.

Although the overwhelming majority of the district's 280,000 limited English speaking students speak Spanish, Thompson's comments were targeted at increasing demands from some African-American parents for the district to improve their children's English skills.

"This is the one time I am going to give you two primary directives," Thompson said of the orders. "It's a direction from my office and the Board of Education."

The school chief, who spoke from handwritten notes, dedicated the rest of his speech to morale-boosting and explaining his restructuring effort during what he says is a critical year for the district. All seven school board members sat front row, center. His top administrators flanked the aisle seats.

The talk was part of Thompson's drive to polish the tarnished image of the school district, which has been buffeted by a bitter labor dispute with teachers and has endured large budget cuts. A recent management audit criticized the district's bureaucracy. The district itself is the target of a breakup movement.

"Big, fat and ugly, we've made it. Yeah, that's what they call us, they have these terms for us. But we are not buying that anymore," Thompson said. "I'm not apologizing for this system, I'm standing up and giving it a pat on the back because it's a darn good system. You have good administrators and we have good teachers."

He said his newly streamlined administration is committed to bringing quick service to schools and emphasized that administrator salaries were cut to be more closely in line with the average annual principal salary of \$84,000.

In a remark that drew loud

# Roberti Adds a Wrinkle

By MARK GLADSTONE  
TIMES STAFF WRITER

SACRAMENTO—Seeking to revive legislation, state Senate President David A. Roberti on Tuesday offered described as a compromise to opponents of to break up the Los Angeles-Union District.

The Van Nuys Democrat announced still pushing a proposal to establish a cor to break up the nation's second-largest district and put the issue on the ballot.

But Roberti said he is willing to add wrinkle, calling for a separate measure same ballot to provide for a property tax that would generate an unspecified amount money "for educational reform" in Los Angeles.

Critics of the breakup immediately Roberti's new proposal, saying the probably need to be approved by two-thirds voters—an almost impossible task.

Sen. Diane Watson (D-Los Angeles), a foe, described Roberti's new proposal as

School board President Leticia Quetzada said principals this year will begin to see the board's commitment to overhauling the district through the LEARN reform plan, which gives decision-making authority on school operations to principals.

"We will fight very hard not to meddle in your affairs," Quetzada said.

After the speeches, several principals said the verbal pats on the back were a refreshing change from the crisis management that characterized much of the previous school year as teachers threatened to strike and the district finances were on the brink of bankruptcy.

"I think we were all very inspired," said Beatrice LaPlata of Glassell Park Elementary School. "We are all tired of being at each other."

One principal was surprised that her schoolyard fence was promptly fixed. "Maybe Sid is making good on what he says."

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Los Angeles Times

## AIRPORT: Passengers or Packages?

Continued from Page 32

that the easy solution is that they remove the operations cap and everyone can be happy."

However, "we have not gotten final approval for the new [UPS] facility. . . . We still have to go through public hearings" related to an environmental impact study, Sternad added. "There has been some resistance from folks concerned about possible noise . . . and from those who fear too much growth in the area."

Indeed, much of the area's industrial and commercial development to date is related to the growth of Ontario airport, which itself is responsible for 8,000 jobs. On Oct. 15, it took another major step forward when Continental Airlines inaugurated Ontario's first transcontinental, non-stop service to the East Coast.

### 'As Bad as LAX'

"Hell, three years ago you could fire a cannon across the parking lot and not hit anybody," observed Lloyd Nevius, 61, owner of Ontario Aircraft Service, which loads and unloads UPS' freight at the airport and services its aircraft. "Now, it's getting as bad as LAX."

Nevius started his business in 1979 with a leased forklift and money borrowed on his house. That year, "we handled 5 million pounds of automotive parts headed for local assembly plants," he said, smiling over the memory. "We thought that was a tremendous

amount of freight."

Now, "we do almost a million pounds a day for United Parcel Service alone," said Nevius, as a dozen of his 250 employees unloaded 188,000 pounds of pineapples from the cavernous hull of a UPS 747 freighter jet in from Honolulu.

Much of his work for UPS is done out in the open on a corner of the runway offered the company when the airport ran out of aircraft parking space during a Christmas rush period three years ago, Nevius said.

Since then, his work crews have loaded and unloaded jets large and small there with an increasing variety of items needing quick

delivery to Southern California addresses as well as to cities across the nation.

"We've moved computer and electronic parts, cattle, oil well pipe and diving equipment for a ship that was in trouble off South America," he said. "And we've moved rock band equipment, pineapples and even alligators, snakes and turtles."

As another UPS freighter jet rolled up to park at the loading lot, a passenger jet "peared off into the smoggy skies above the airport."

"I think passengers and freighters will have to work together here," he said, surveying the activity. "I think there is room for both."

## Brown Seeks to Abolish Local Governments

SACRAMENTO (AP)—Assembly Speaker Bill Brown, D-San Francisco, said he has asked the Assembly to search for ways to abolish county governments and county supervisors.

In his opening address, Brown suggested that California's 58 counties be replaced by a few regional agencies.

"We do not have a rational system of local governments in California," Brown said. "What we have is a haphazard, random assortment of governing bodies all fighting over the same dollars."

Brown, who has acknowledged

that his proposal would be politically "almost impossible" to carry out, said the move would be cheaper and more efficient.

"In addition," he said, "it would recognize that the most serious problems California faces—air pollution, water quality, freeway gridlock, public transit and crime—do not recognize current jurisdictional boundaries."

Brown said that "as the state's problems will grow, the current system will not be found to be a source of limited public dollars."

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# FIABCI announces major effort to change U.N. policy

TORONTO — The International Real Estate Federation (FIABCI) is launching a major effort aimed at changing the United Nations' housing policy, which for the past six years has opposed the right of private property ownership.

The board of the federation approved the plan at FIABCI's 33rd World Congress here last month.

The plan, prepared for the international organization by the National Association of Realtors, calls for coordinated efforts over the next 12 months by national chapters from each of the federation's 41 member nations.

The main focus of the FIABCI effort is next year's meeting in Helsinki, Finland, of the U.N. Habitat Commission, created in 1976 by the Vancouver Habitat Conference to formulate U.N. housing policy. In 1976, the western democratic governments were outmaneuvered by socialist nations in Vancouver, and agreed to a U.N. policy on land use that states:

"Land, because of its unique nature and the crucial role it plays in human settlements, cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Social justice, urban renewal and development, the provision of decent dwellings and health conditions for people can only be achieved if land is used in the interests of society as a whole."

The fact that "land for human settlements" is the theme for the 1983 Habitat Commission meeting means that FIABCI will have the opportunity to change that U.N. policy.

Introducing the FIABCI plan in Toron-



Julio S. Laguarda

to NAR President Julio Laguarda warned, "Failure to change an official United Nations policy that explicitly opposes the right of private property ownership will ultimately result in the destruction of our industry. In 1983, FIABCI must make

(Continued on page 4)

## FIABCI

(Continued from page 1)

every effort at the U.N. Habitat meeting to achieve that change."

A resolution to approve efforts to get the U.N. policy changed was sponsored by the U.S. delegation, led by American Chapter President Al Wolff, President-elect Ralph Pritchard and ex-FIABCI World President Phil Smaby. NAR Executive Vice President and chief economist Jack Carlson called for and received unanimous support for the plan from the 41 national FIABCI delegations.

The first phase of the project begins this summer. Each FIABCI chapter is to brief its nation's delegates to the 1983 Habitat Commission meeting on the federation's support of private property rights.

Results will be reported to next year's FIABCI World Congress in Jakarta, Indonesia, and will be followed by efforts to persuade delegations at the United Nations headquarters in New York of the need to change the U.N. policy.

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THE POLICE POWER OF THE STATE  
A RIGHT CAN BE ENTIRELY DESTROY-  
ED."

Kropfinger  
Laguarda Letter

# I threat 's safety

lative authority within it to the PLO. As Yasser Arafat said on Thursday, "the Palestinian state is at hand and the Palestinian flag will soon fly over Jerusalem."

This is a mortal threat to Israel. A PLO state on the West Bank will strip the Jewish state of the crucial defensive wall of the Jordan and Semipalm mountains was in the 1967 Six Day War, re-creating a nation 10 miles wide, open to eastern invasion.

This has been the PLO's goal since June 1974, when it adopted the notorious "Pleasant Plan" to dismantle Israel in two stages: Article 2 calls for first creating a Palestinian state on any territory vacated by Israel; Article 8 calls for then using that state to foment an armed Arab assault against a truncated Jewish state.

For two decades Arafat has championed this plan. Last week he told Arab critics of his deal with Yitzhak Rabin: "This is the Pleasant Plan we all adopted in 1974. Why should you oppose it now?"

That some Arabs oppose the Pleasant Plan is a paradox to Arafat. It lets him appear as "moderate" as contrast to "extremists" such as the Hamas fundamentalists.

But as the PLO representative to Saudi Arabia, Rafiq Nassef, recently explained: "Hamas wants to liberate all of Palestine from the Jordan River to the sea in one blow. The PLO believes that a Pleasant Plan must be pursued. But both sides agree on the final objective. They differ only on the way to get there."

Earlier in this century, Neville Chamberlain thought he could buy "peace in our time" by handing over the mountain defenses of Czechoslovakia to Adolf Hitler, who promised to accept a deal of "land for peace."

On his deathbed, Chamberlain said, "Everything would have been all right if Hitler hadn't had to me."

The Rabin government is now betting the security of Israel on Arafat's promises. But his promises are worthless. He has violated every political commitment he has ever made. Since his "breakthrough" promise in 1988 to stop PLO terror, his own Fatah faction of the PLO has launched more terrorist attacks against Israel than any other Palestinian group.

Similarly, he repeatedly "recognizes" Israel for some political gain — only to take it back later.

An armed PLO state looting over Israel's ones and overflowing with returning "refugees" is a million to start with, says the PLO, is a far cry from a reasonable compromise that would give Israel security and Arab autonomy.

Instead of giving peace a chance, it is a guarantee of increased tension, future terrorism and, ultimately, war.

Benjamin Netanyahu, chairman of Israel's Likud Party, wrote this article for the New York Times.



Armed American Gun Lobby Lobbyists Lobbying. Copyright © 1988, Dan Claitor. Distributed by Los Angeles Times Syndicate.

## Brady bill just one small step on path to disarm America

By Leonard Larsen  
Scopus Howard News Service

Washington, D.C.

As the gun lobby's latest effort to pass a "moderate" Brady bill, which will strip the gun control bill of its most powerful provisions, Congress in the coming months may pass a watered-down version of the Brady gun-control bill.

Then, if the bill is passed, President Clinton will sign it and they'll all get together to congratulate themselves for passing a law (the words "tough" and "meaningful" will be used) that they'll agree will take the guns away from criminals and reduce crime in America.

The bill now of the gun lobby, the National Rifle Association, will argue down to the finish that the Brady bill is a violation of the Second Amendment to the Constitution while insisting, in truth, to stay away from a court test of that argument.

And the NRA will argue again that what's needed are tougher laws for the punishment of criminals — affecting, as the gun lobby always does, the people with no previous criminal records can be imprisoned before they pick up guns and kill other people.

The gun lobby will also argue that the Brady bill, with whatever watered-down requirements are actually enacted for background checks and waiting periods, is a purchase of freedom for the gun lobby. The Brady bill will be a handout of about 24,000 a year. Sadly, the gun

lobby will be disappointed that the Brady bill will not strip the gun lobby of its most powerful provisions.

Jim Brady, President Ronald Reagan's press secretary, suffered a serious head wound in the same outdoor shooting range for the wounded Reagan. Brady's bill would strip the gun lobby of its most powerful provisions.

For all the talk of the Brady bill, the Brady bill will not disarm America. The Brady bill will strip the gun lobby of its most powerful provisions.

Once it's passed — if it's passed by a Congress that will strip the Brady bill of its most powerful provisions — the Brady bill will strip the gun lobby of its most powerful provisions.

That's what the gun lobby of America will do. The Brady bill will strip the gun lobby of its most powerful provisions.

On the way to an armed disarming of America, the Brady bill will strip the gun lobby of its most powerful provisions.

A long and inevitable tradition of gun ownership in America stands

in the way of the measures that, in a radically changed America, it would now to strip the gun lobby of its most powerful provisions.

The Brady bill will strip the gun lobby of its most powerful provisions.

No argument against gun control is too bizarre for the gun lobby and their paid lobbyists. Not even the recognition that the gun lobby is a violent force, more, not fewer, firearms and the arms of all embodied men, women and even children to shoot it out with the "criminals."

A part of that craziness is also the warning that all American households ought to be armed against criminals but from coming into the home, for the gun lobby would strip the gun lobby of its most powerful provisions.

It will be a long process to strip the gun lobby of its most powerful provisions.

The danger in all the good intent of the Brady bill is that it might end for the indefinite future any prospect that Congress would strip the gun lobby of its most powerful provisions.

## Nomination speech missed a bet

By Martin Hise  
and Abraham Cooper

At an emotionally charged White House ceremony on Aug. 11, this is the way President Clinton could have introduced his nominee to replace Gen. Colin Powell, retiring chairman of the Joint Chiefs of Staff.

"Ladies and gentlemen: Before you stands a great American patriot, who made it on his own — against great odds. As an immigrant who could not speak English, he also earned the extra burden of a father who fought for Nazi Germany during the Second World War. But John M. Shalikashvili overcame all obstacles to stand next to me today."

Instead, Clinton said this: "In 1944, his family fled in a cattle car westward to Germany in front of the Soviet advance."

This language is a sad reminder of another wartime recollection: "We made the journey in a cattle car. We were crammed against the baby's cradle. ... Liseletta never stopped crying. ... We were hungry and above all thirsty."

These were not the desperate musings of another anonymous victim en route to Auschwitz, but the self-serving delusions of former U.N. Secretary-General and Austrian President Kurt Waldheim — a man who suffered from a mental illness who was later found to be a Greek Jew and a member of the infamous network at Krasno, Yugoslavia.

Make no mistake. The journeys of the Shalikashvili and Waldheim families were indeed trying and even fraught.

The difference is that the Shalikashvili family was persecuted to the point of the history of a victim.

Of the elder Shalikashvili's participation in the Nazi Germany's ethnic cleansing program, the late Gen. Shalikashvili said: "I was a victim of the Nazi regime. I was a victim of the Nazi regime. I was a victim of the Nazi regime."

Indeed, in the early years of the war, the Shalikashvili family was persecuted to the point of the history of a victim. The Shalikashvili family was persecuted to the point of the history of a victim.

For us, the issue again was whether Gen. John Shalikashvili should be the next chairman of the Joint Chiefs. No man is to be held accountable for the sins of his father. We are certain Shalikashvili will serve our country with distinction.

But, Mr. President, you misquote when you sought to cast the general's father as a victim in World War II. Don't mistake the only thing the victim has left — a name.

Rabbits Hise and Cooper, the dean and associate dean of the Simon Wiesenthal Center, wrote this for the Washington Post.

## uit new customers, too, if your old ones kept dying off



thing, even the warning label on their own products. Even now they maintain that smoking does not cause health problems, according to their own highly trained research scientists.

There is just no "hard evidence," their lobbyists tell legislators. "We'll let you know in the meantime, here, have some more money."

ple say they are worried that a smoking tax would be unfair to poor people, who should have the same right to hazardous, toxic products as anyone else.

This kind of whining has already started to chip away at the new tax. It is already down to about 10 cents a pack, and dropping fast. The final version may only ask smokers to

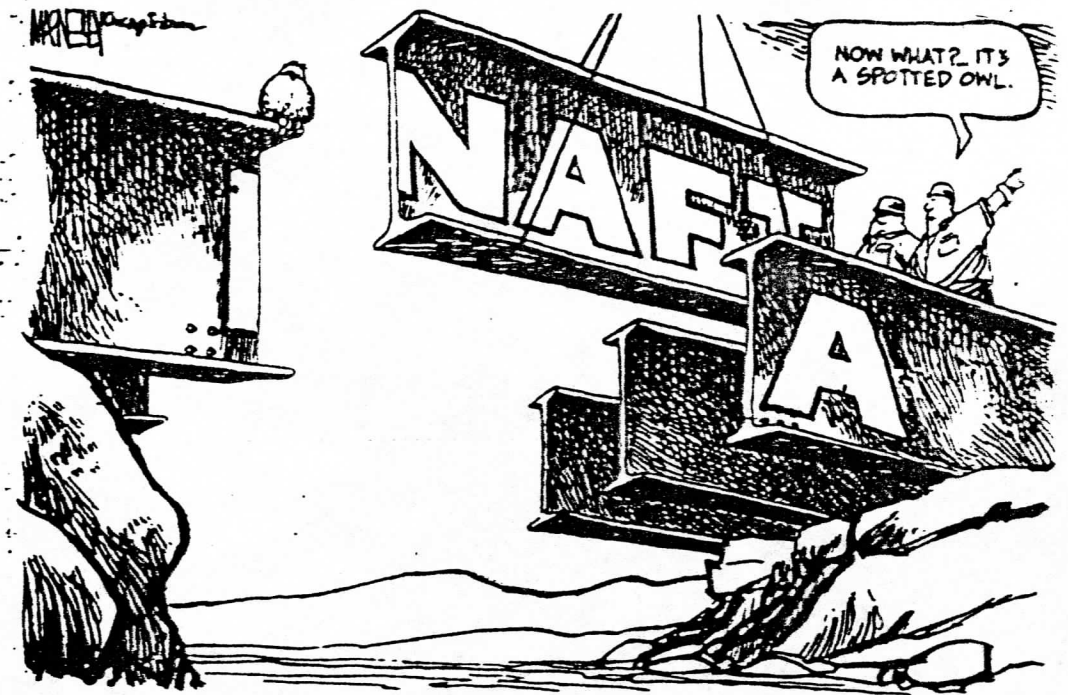




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|--|---|--|---|---|---|--|
| <b>Comfort-<br/>Center</b><br><small>EST. 1983</small> | <b>OFF OF HONESTY</b><br>1000 E. GALL<br>(714) 525-5171 | <b>FRONT AND BACK</b><br>JOHN PHELPS<br>(714) 545-0071 | <b>PULLMART</b><br>2007 PULMART LINDA BLVD<br>(714) 377-3771        | <b>NORTHERN ICE</b><br>15425 COLBY WEST<br>(714) 355-0400 | <b>LAKING HILLS</b><br>18001 Ridge Road Dr.<br>(714) 776-1071 | <b>LAMPPORE</b><br>4000 CAMPBELL BLVD<br>(714) 635-5000        |
|  | <b>SHAWNEE</b><br>600 E. GALLBLVD<br>(714) 525-5171     | <b>SHAWNEE</b><br>10000 SHAWNEE BLVD<br>(714) 354-0101 | <b>THE COUNTRY CLUB</b><br>10000 Country Club Dr.<br>(714) 355-0101 | <b>THOMAS</b><br>2575 16TH ST. N. 10<br>(714) 767-7707    | <b>WINTER</b><br>15425 COLBY WEST<br>(714) 355-0400           | <b>WEST WILLOW BLVD.</b><br>15425 COLBY WEST<br>(714) 355-0400 |







EDITORIAL

## Should the UN have an army?

The United Nations has always had more bark than bite, its ability to pass resolutions greatly exceeding its capacity to enforce them.

This is so not because it is what the UN's originators wanted but because the Cold War, with its rigid Us-vs.-Them framework, precluded the international cooperation needed for real collective security.

So the UN became a forum for diplomats to vent their frustrations. It is great as a mother ship for specialized humanitarian and development agencies. And it was useful as an arena in which the United States and the Soviet Union could exchange recriminations instead of missiles.

But when it comes to ensuring compliance with UN decisions, especially in cases entailing military might, the organization has a long way to go.

Would a standing army take the UN in the right direction?

Brian Urquhart, a former United Nations under-secretary-general writing in *The New York Review* of June 10, thinks so.

While acknowledging the success of Operation Desert Storm as a multinational enforcement action, Urquhart says "the inability of the Security Council to enforce its decisions in less conventional military situations is the most serious setback for the world organization since the end of the Cold War. Bosnia provides a particularly poignant example of this failure."

He suggests a small, highly trained force of volunteers able to go into battle at short notice to choke off conflicts before they become big crises.

The idea resembles one advanced by the first UN secretary-general, Trygve Lie, who failed to get an international guard force he wanted, and last year's proposal by the present secretary-general, Boutros Boutros-Ghali, who urged member-states to make designated "peace-enforcement units" available.

It is an intriguing notion, and one that raises quite a few questions.

Would there be enough demand to keep an international army busy? Or would it be overwhelmed by the demand? How many troops would be needed to make an impact? How would troop rotation be handled? Who or what would make sure the force stayed truly multinational?

Moreover, since the use of force usually is a last resort now, decision-makers would have to adapt so

that troops could be deployed early. Is it wise to put violent solutions ahead of non-violent steps, such as the imposition of economic sanctions?

And, of critical importance, would UN members accept the financial responsibility of keeping a standing army at the ready?

Whatever the answers might be, at least the proposal can serve as a catalyst for a worthwhile discussion of how the UN can improve its enforcement powers.

Never before has the deficiency in this area mattered as much. Nation-states have been asking a lot more of the UN, particularly with respect to peacekeeping and more to the point, peace enforcement.

Peacekeepers have been sent forth in great numbers: about 80,000 multinational troops are under UN command, up from 12,000 or so less than two years ago.

Their missions, besides being more numerous, also have become increasingly difficult and dangerous. The reason: Instead of interposing themselves between national armies which have more or less agreed to cease hostilities, today's blue-helmeted soldiers are being deployed where peace has yet to break out and where several sides in civil war-type conflicts may differ violently on the shape of a settlement.

Angola, Cambodia, Somalia and Bosnia-Herzegovina spring to mind. In each place the United Nations has been less than totally effective, partly because UN forces have not been organized, equipped or empowered to use much, if any, military force.

This is no accident, of course. The UN remains a tool of its members, sovereign states understandably wary of ceding any power, much less warfighting power, to a supranational entity whose *raison d'être* is to act as global peacemaker.

Thus, Job No. 1 is to arrive at a better understanding of the UN's overall security role in the modern world. As Gareth Evans, Australia's foreign minister, wrote vividly in a *New York Review* letter responding to Urquhart, "It is going to be difficult to persuade countries to buy a corner of the picture [a standing UN army] before they have seen the whole canvas."

Once the Security Council has decided to put troops in harm's way, however, simple common sense dictates that they be given enough firepower and latitude to succeed. That is, they must have bite as well as bark, for the sake of their safety and, ultimately, for the sake of the UN's very credibility.

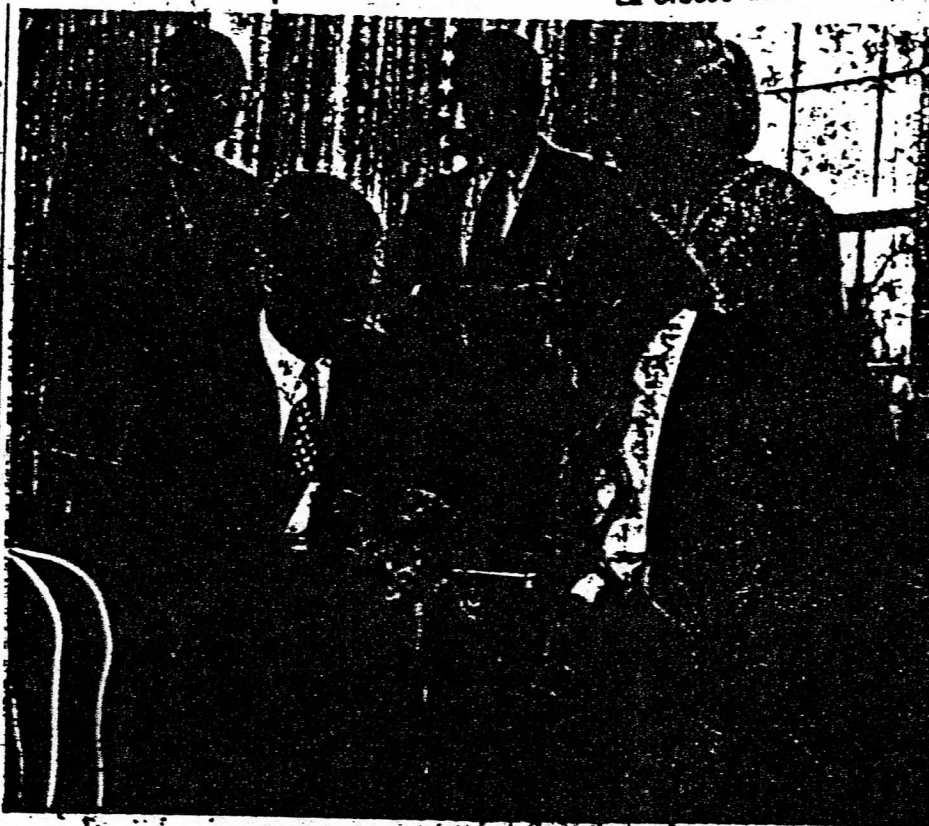


## Clinton Rushdie Death Threat

After a meeting with Mr. Christopher, the two officials had a meal with a man they said was a free agent of state-sponsored terrorism. The Department also was given to Mr. Brown, a "terrorist" or "United States citizen" in the heightened state against them. The Department security is tight. And the extra at the White House the car of a visiting guest was scrutinized as day. Of his supporters had as part of a con- to draw attention to an unneeded help from and William Miller. In May with Prime of Britain, but at a today Mr. Rushdie that he had at least audience.

Stryker and Miller

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President Clinton congratulating James Brady in the Oval Office after learning of the Senate passage of the Brady bill. At rear were Attorney General Janet Reno, Vice President Al Gore and Sarah Brady.

## QVC Wins a Round in Court In Its Bid to Buy Paramount

By GERALDINE FABRIKANT

In a ruling highly critical of the board of Paramount Communications, a Delaware Chancery Court yesterday swept away many of the obstacles that Paramount had put in place to stop QVC Network Inc. in its hostile takeover of the giant entertainment company. The ruling was a blow to Viacom Inc., which had agreed to a friendly merger with Paramount.

Paramount immediately promised to appeal the decision to the Delaware Supreme Court. If the higher court upholds the decision, Paramount's board will have to reconsider both offers. Currently, the QVC bid of \$18.4 billion exceeds Viacom's \$15.5 billion offer.

QVC had asked the lower court to remove a number of anti-takeover provisions that it contended would have made it prohibitively expensive for a hostile bidder such as QVC to gain control of Paramount.

In a 61-page decision, far stronger and more sweeping in its support for QVC than legal experts and executives involved in the battle had anticipated, Vice Chancellor Jack Jacobs struck down almost every obstacle. In his ruling, Mr. Jacobs wrote that when Paramount entered into a merger agreement with Viacom, which included the transfer of control of Paramount

to Viacom, in which Sumner Redstone, the chairman of Viacom, has about 70 percent of the vote, Paramount was up for sale. Under those circumstances, Mr. Jacobs wrote, Paramount's board had failed to perform its fiduciary responsibility to thoroughly analyze the competing bid from QVC.

Mr. Jacobs did not insist that the Paramount board accept QVC's bid simply because it was higher. He said he was well aware that the value of the bid fluctuated with the stock price of each bidder. QVC's chairman, Barry Diller, and Mr. Redstone have each offered cash for 51 percent of Paramount and stock for the balance of the company. As a result, the higher bid on one day could be the lower bid 24 hours later depending on stock price swings.

Viacom's tender offer was scheduled to close at midnight last night, three business days earlier than QVC's. The judge's ruling erased Viacom's time advantage, stating that both offers would close simultaneously. No closing date has been set.

In his decision, on the value of each offer, Mr. Jacobs concentrated on the duty of Paramount's board to investigate each one thoroughly. Mr. Jacobs criticized the board in that regard,

Continued on Page C6, Column 1

## Airlines Urging U.S. to Intervene In Fees Dispute

By MARTIN TOLCHIN

WASHINGTON, Nov. 24 — In a show-down pitting the struggling airline industry against a cash-starved city, the nation's major airlines today asked the Clinton Administration to prevent Los Angeles officials from banning their aircraft from the city's international airport.

Airport officials said the theory that they would ban the major airlines beginning Dec. 4 because they refused to pay landing fees that the airport tripled last July. But the airlines, which only this year began making money again after three years of record losses, say the increased fees are unfair.

It was not immediately clear what would happen after Dec. 4 if the airlines refused to pay the fees. Robert Buckhorn, a spokesman for the Federal Aviation Administration, said that his agency directed air traffic in and out of airports and that no airport could deny a plane permission to land.

### Rights of Airports

But he said an airport could deny an airline use of its terminals, and airline passengers would therefore be unable to get on or off a plane. Airlines could also be denied fuel, de-icing, food and other services required for travel.

## GUN CONTROL BILL JUMPS LAST HURDLE AS G.O.P. RETREATS

### WAITING PERIOD IS PASSED

Republicans End Opposition to Brady Bill, Ending Years of Wrangling in Congress

By CLIFFORD KRAUSS

Special to The New York Times

WASHINGTON, Nov. 24 — In an anti-climactic finish to seven years of Congressional wrangling, the Senate today passed a mandatory waiting period for the purchase of handguns after Republican opposition to the measure collapsed.

Known as the Brady bill, the measure of the House, the bill passed by Congress in 1990, although even its supporters expect it to have only a modest impact on violent crime. It is now headed to the White House, and President Clinton said he hoped to sign it soon.

The bill had already bounced back from the House in recent days, when Republicans dropped a filibuster Saturday night in the face of strong public support for the measure. Then they stalled it again on Monday at its final threshold, blocking a vote on whether to adopt a House-Senate conference compromise version.

### By Senate Senate Senate

After days of personal animus and futile backroom dealing, Republicans backed down without much to show for their efforts. The bill passed without debate, with only three Senators sitting in a chamber emptied by the Thanksgiving holiday.

As Vice President Al Gore and Mark O. Hatfield, an Oregon Republican who supported the bill, watched the two Senate leaders, Sen. Dan Quayle and George Mitchell of Maine, announced the measure adopted by unanimous consent. That is a parliamentary device allowing the leaders to pass the legislation without a vote after a certain time, no Senator would object.

"All of us are happy to have this issue behind us," Mr. Dole said. "After a long, long, hard fight, Jim Brady has won."

### "Thanksgiving Present"

The bill was named for James Brady, who with his wife, Sarah, led the campaign in favor of the gun-control measure. Mr. Brady was President Ronald Reagan's press secretary when he was seriously wounded during the 1981 assassination attempt on Mr. Reagan. At a news conference after the vote, Mr. Brady raised his fist from his wheelchair and said, "It's an earthly gift from Thanksgiving present for the people of America."

The Brady bill will set a waiting period of five working days to give sellers and law-enforcement officials time to check the backgrounds of prospective buyers for criminal records.

## Planning 500 Jobs

Companies are making a streamlining of streamlining-making and in-try — doing the work in-try. And the job as-the-board, as like-ary management staff low workers.

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Page C16, Column 2



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Continued on Page C6, Column 1

## Inquiry Into Idaho Siege

### Decision to Use Force Is Focus of Review

ers, agents, prosecutors and former officials that they could face

## Gun-Control Bill Clears Final Hurdle in Congress as Republicans Drop Opposition

Continued From Page A1

Association, the gun lobby that contributes to the campaigns of scores of lawmakers. Wayne LaPierre, executive director of the N.R.A., repeated the organization's objection to the bill today, saying: "The waiting period is unfair to honest, law-abiding people. The criminals won't wait."  
In the 21 states that already have such waiting periods, there has been no

appreciable impact on rising violent-crime rates, although some persons wanted by the authorities have been denied guns and arrested. The bill will also have no effect on the 70 million handguns that are already on the nation's streets.  
Still, law-enforcement officials say that at the very least the bill will provide a "cooling off period" that could

stem crimes of passion by, for example, angry spouses and disgruntled employees. Robert T. Smith, executive director of the National Rifle Association, said that by making waiting periods nationwide, people now denied guns will "not be able to run from Michigan to Ohio to buy one."  
Legislative Wrangling  
The bill had passed the House and then the Senate in an agreement with a Republican filibuster last year, but the version that won approval in a Senate-House conference bogged down when Senate Republicans complained that Democrats had stripped out provisions that would have been a part of the bill. In particular, Republicans were unhappy about the provisions for two provisions to phase out the waiting period before five years.

As the struggle devolved into a grudge match between Senate Democrats and Senate Republicans, the bill was stalled in the Senate. In Delaware, the Democratic chairman of the Judiciary Committee, it appeared that Congress might not be able to pass the bill until late January at the earliest.  
Mr. Mitchell, a minority leader, called on the Senate to break the filibuster and pass the bill.

accept the conference version, which included some earlier Republican proposals.  
Mr. D. ... his opposition today when Mr. Mitchell ... the Senate consider legislation modifying the Brady bill ... by the Kansas Republican, the bill would make possible the phase-out of the waiting period in two years as long as the national computerized checking system reached a certain level of accuracy.  
Gun-control supporters today hailed the Brady bill's passage as the first victory of gun control in Congress. "This is the first time since 1968 that the N.R.A. has been beaten on a major measure, but it won't be the last," predicted Representative Charles E. Schumer, Democrat of Brooklyn, the leading handgun-control advocate in the House. "Lawmakers will learn that there is life after voting against the N.R.A."  
Indeed, the Brady bill is the best known of several gun-control measures moving through Congress. A \$2.3 billion anticrime package the Senate passed this month included a ban on the sale of handguns for juveniles and a ban on the manufacture of assault weapons. Similar assault weapon provisions have been blocked by the House in recent years, but the

did not know whether the shot had hit its target. In fact, the second shot crashed through a door window, through the skull of Mrs. Weaver, who was standing behind it holding her young daughter. The bullet killed Mrs. Weaver instantly, its fragments wounding Mr. Harris.

### The Bureau Strong Criticism By the Judge

Last month, the judge in Federal District Court in Boise who presided over the case rebuked the F.B.I. for misconduct during the trial. The judge, Edward J. Lodge, strongly suggested that the F.B.I. had covered up misconduct, saying in an extraordinary sanction order that said the bureau's behavior "served to obstruct the administration of justice."  
People involved in the case said the order brought into the open a savage backstage battle that raged throughout the trial between Federal prosecutors and F.B.I. officials, who favored a narrow case focused exclusively on the shooting of Mr. Degani.  
Mr. Weaver's defense team, led by Gerry Spence, accused the F.B.I. of using tactics that amounted to murder.

The prosecutors have told investigators that the F.B.I. had refused to cooperate in the case and closed ranks to block any effort to determine what had occurred on Ruby Ridge and that bureau officials dragged their feet in response to requests for evidence for the trial.

When the judge ordered the Government to turn over documents related to the shooting, the bureau sent a file by fourth-class mail that arrived in Idaho after he had finished testifying. The relevancy of the documents prompted Judge Lodge to recall the agent for more testimony.  
In his order, Judge Lodge wrote that the F.B.I. caused "delays and countless arguments" and he came close to accusing the agency of concealing evidence, saying: "The actions of the Government, acting through the F.B.I., evidence a callous disregard for the rights of the defendants and the interests of justice."

### Island Haven of the Wealthy Now a Haven From Barking

INDIAN CREEK, Fla., Nov. 24 (AP) — The City Council in this island haven for the very wealthy has outlawed six breeds of dogs known for their tendency to bark, snarl and generally frighten the daylights out of people.  
Breeds that will no longer be tolerated in Indian Creek are American Staffordshire terriers, Staffordshire bull terriers, German shepherds, Doberman pinchers, rottweilers and American pit bull terriers.  
Dogs that yap rather than bark will still be allowed.

**HOW  
HEALTHY IS  
YOUR CURIOSITY  
?**

The livelier it is, the more you'll enjoy the **Business Technology** page in Business Day.

Look for it every Wednesday.



| ALABAMA      |    |    |    |    |    |
|--------------|----|----|----|----|----|
| Halle        | NY | NY | NY | NY | NY |
| Shelby       | NY | NY | NY | NY | NY |
| ALASKA       |    |    |    |    |    |
| Macdonald    | Y  | Y  | Y  | Y  | Y  |
| Swann        | NY | NY | NY | NY | NY |
| ALLOMA       |    |    |    |    |    |
| DeCarm       | NY | NY | NY | NY | NY |
| McCabe       | Y  | Y  | Y  | Y  | Y  |
| ARKANSAS     |    |    |    |    |    |
| Samson       | NY | NY | NY | NY | NY |
| Pyper        | NY | NY | NY | NY | NY |
| CALIFORNIA   |    |    |    |    |    |
| Isner        | NY | NY | NY | NY | NY |
| Franklin     | NY | NY | NY | NY | NY |
| COLORADO     |    |    |    |    |    |
| Campbell     | NY | NY | NY | NY | NY |
| Brown        | Y  | Y  | Y  | Y  | Y  |
| CONNECTICUT  |    |    |    |    |    |
| Dodd         | NY | NY | NY | NY | NY |
| Lefebvre     | NY | NY | NY | NY | NY |
| DELAWARE     |    |    |    |    |    |
| Eden         | NY | NY | NY | NY | NY |
| Bell         | Y  | Y  | Y  | Y  | Y  |
| FLORIDA      |    |    |    |    |    |
| Griffin      | NY | NY | NY | NY | NY |
| Alford       | Y  | Y  | Y  | Y  | Y  |
| GEORGIA      |    |    |    |    |    |
| Hess         | NY | NY | NY | NY | NY |
| Cornwall     | Y  | Y  | Y  | Y  | Y  |
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| Alaka        | NY | NY | NY | NY | NY |
| Isner        | NY | NY | NY | NY | NY |
| IDAHO        |    |    |    |    |    |
| Crut         | Y  | Y  | Y  | Y  | Y  |
| Comptroller  | Y  | Y  | Y  | Y  | Y  |
| ILLINOIS     |    |    |    |    |    |
| Healey-Brown | NY | NY | NY | NY | NY |
| Swann        | NY | NY | NY | NY | NY |
| INDIANA      |    |    |    |    |    |
| Cass         | Y  | Y  | Y  | Y  | Y  |
| Isner        | NY | NY | NY | NY | NY |

| IOWA          |    |    |    |    |    |
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| Reider        | NY | NY | NY | NY | NY |
| Grassley      | Y  | Y  | Y  | Y  | Y  |
| KANSAS        |    |    |    |    |    |
| Bell          | NY | NY | NY | NY | NY |
| Karnikowski   | NY | NY | NY | NY | NY |
| KENTUCKY      |    |    |    |    |    |
| Ford          | NY | NY | NY | NY | NY |
| McCabe        | Y  | Y  | Y  | Y  | Y  |
| LOUISIANA     |    |    |    |    |    |
| Brown         | NY | NY | NY | NY | NY |
| Johnson       | NY | NY | NY | NY | NY |
| MAINE         |    |    |    |    |    |
| Atkins        | NY | NY | NY | NY | NY |
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| MARYLAND      |    |    |    |    |    |
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| MASSACHUSETTS |    |    |    |    |    |
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| Larry         | NY | NY | NY | NY | NY |
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| Isner         | NY | NY | NY | NY | NY |
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| MINNESOTA     |    |    |    |    |    |
| Wallace       | NY | NY | NY | NY | NY |
| Barnes        | Y  | Y  | Y  | Y  | Y  |
| MISSISSIPPI   |    |    |    |    |    |
| Cass          | Y  | Y  | Y  | Y  | Y  |
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| Isner         | Y  | Y  | Y  | Y  | Y  |
| Barnes        | NY | NY | NY | NY | NY |
| Montana       |    |    |    |    |    |
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| Burns         | Y  | Y  | Y  | Y  | Y  |
| NEBRASKA      |    |    |    |    |    |
| Egan          | NY | NY | NY | NY | NY |
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| NEVADA        |    |    |    |    |    |
| Byrd          | NY | NY | NY | NY | NY |
| Bell          | NY | NY | NY | NY | NY |

| NEW HAMPSHIRE  |    |    |    |    |    |
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| Gray           | Y  | Y  | Y  | Y  | Y  |
| Smith          | Y  | Y  | Y  | Y  | Y  |
| NEW JERSEY     |    |    |    |    |    |
| Brady          | NY | NY | NY | NY | NY |
| Isner          | NY | NY | NY | NY | NY |
| NEW MEXICO     |    |    |    |    |    |
| Isner          | NY | NY | NY | NY | NY |
| Barnes         | NY | NY | NY | NY | NY |
| NEW YORK       |    |    |    |    |    |
| Isner          | NY | NY | NY | NY | NY |
| F. Amato       | NY | NY | NY | NY | NY |
| NORTH CAROLINA |    |    |    |    |    |
| Isner          | Y  | Y  | Y  | Y  | Y  |
| NORTH DAKOTA   |    |    |    |    |    |
| Cornell        | NY | NY | NY | NY | NY |
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| OHIO           |    |    |    |    |    |
| Glenn          | NY | NY | NY | NY | NY |
| Isner          | NY | NY | NY | NY | NY |
| OKLAHOMA       |    |    |    |    |    |
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| OREGON         |    |    |    |    |    |
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| PENNSYLVANIA   |    |    |    |    |    |
| Wallace        | NY | NY | NY | NY | NY |
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| Isner          | NY | NY | NY | NY | NY |

KEY  
Y Voted for (yes)  
N Voted against (no)  
+ Announced for  
- Announced against  
P Voted "present"  
C Voted "present" to avoid possible conflict of interest  
? Did not vote or otherwise make a position known  
Democrat Republican

| TEXAS         |    |    |    |    |    |
|---------------|----|----|----|----|----|
| Isner         | Y  | Y  | Y  | Y  | Y  |
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| UTAH          |    |    |    |    |    |
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| VERMONT       |    |    |    |    |    |
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| WASHINGTON    |    |    |    |    |    |
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| WEST VIRGINIA |    |    |    |    |    |
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| WISCONSIN     |    |    |    |    |    |
| Isner         | NY | NY | NY | NY | NY |
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| WYOMING       |    |    |    |    |    |
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| Isner         | Y  | Y  | Y  | Y  | Y  |

ND Northern Democrat SD Southern Democrat Southern states: Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., Ohio, S.C., Tenn., Va.

391. HR 3167. Unemployment Benefit Extension/Federal Employment Reduction. Gramm, R-Texas, motion to recommit the bill to conference with instructions that the Senate insist on the Senate amendment to reduce federal employment levels to those proposed by the vice president in the National Performance Review. Motion rejected 36-63: R 26-8; D 0-55 (ND 0-41, SD 0-14), Nov. 20, 1993. (Story, p. 3276)

392. HR 3167. Unemployment Benefit Extension/Conference Report. Adoption of the conference report to provide about \$1 billion for extended unemployment benefits for workers who have exhausted their 26 weeks of state unemployment benefits for an additional seven or 13 weeks of compensation, depending on the unemployment rates in their states. Adopted 79-20: R 26-18; D 53-2 (ND 39-2, SD 14-0), Nov. 20, 1993. (Story, p. 3274)

393. S 714. Resolution Trust Corporation Financing/Conference Report. Adoption of the conference report to provide \$18.3 billion to finish the savings and loan cleanup between Jan. 1 and June 30, 1995, terminate the Resolution Trust Corporation (RTC) on Dec. 31, 1995, and authorize \$8.5 billion for the Savings Association Insurance Fund to be spent only if the savings and loan industry cannot pay for future failures itself through higher insurance premiums. The bill also establishes mi-

norities preference for RTC contracts, incorporates management reforms, limits bonuses for RTC employees and extends the statute of limitations for five years in cases of fraud or intentional wrongdoing. Adopted (thus sent to the House) 54-45: R 20-24; D 34-21 (ND 23-18, SD 11-3), Nov. 20, 1993. A "yes" was a vote in support of the president's position. (Story, p. 3258)

394. S 714. Resolution Trust Corporation Financing/Conference Report. Adoption of the conference report to provide \$18.3 billion to finish the savings and loan cleanup between Jan. 1 and June 30, 1995, terminate the Resolution Trust Corporation (RTC) on Dec. 31, 1995, and authorize \$8.5 billion for the Savings Association Insurance Fund to be spent only if the savings and loan industry cannot pay for future failures itself through higher insurance premiums. The bill also establishes mi-

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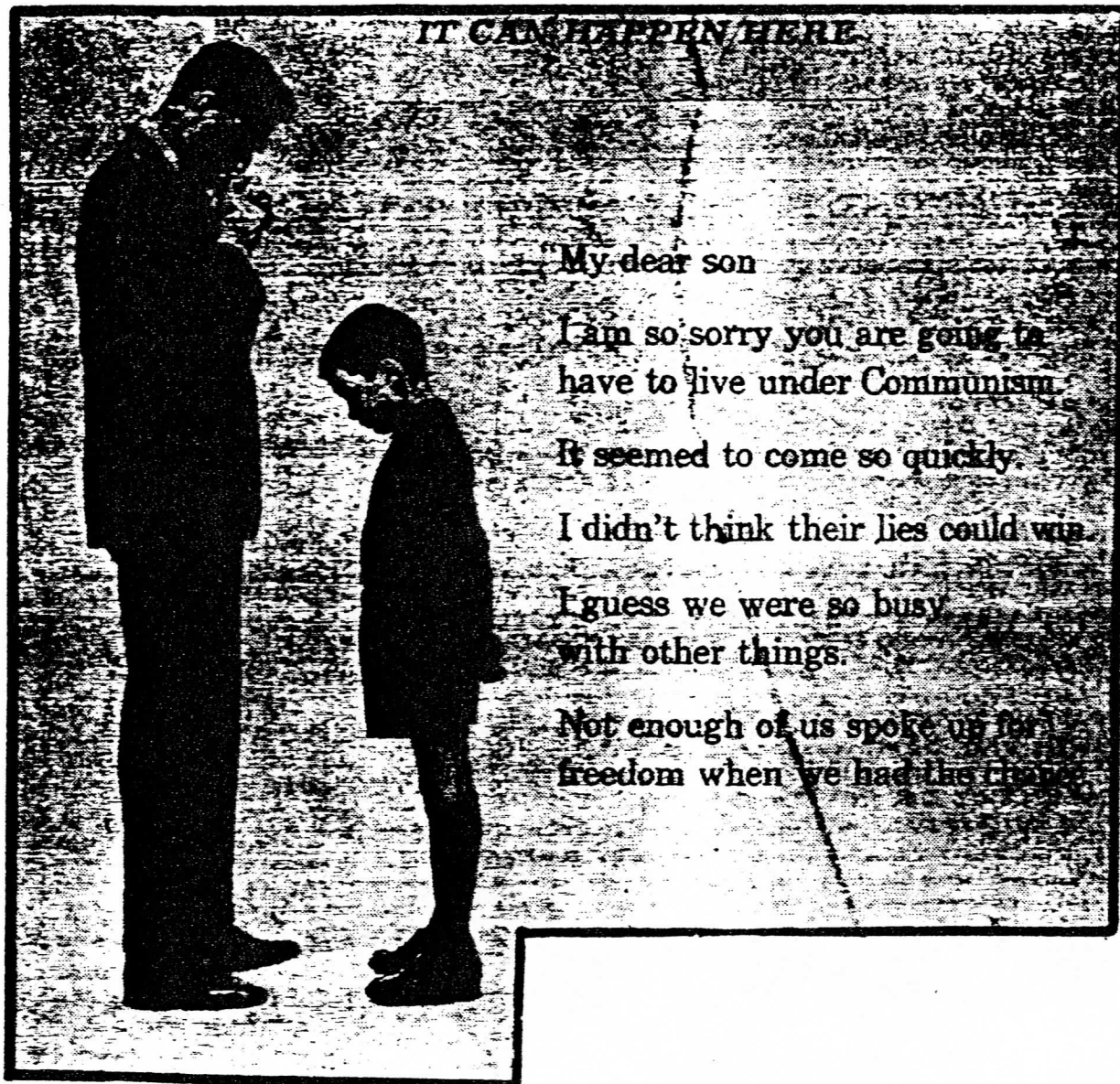
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IT IS NOW 5 MINUTES TO MIDNIGHT!



This vital time brings to mind an address made by Senator Knowland in November, 1934.

"The civilizations that flourished and died in the past, had opportunities for a limited period of time to change the course of history. Sooner or later, however, they passed the point of no return and the decisions were no longer theirs to make."



**FREEDOM  
FROM  
WAR**



**THE  
UNITED STATES  
PROGRAM FOR  
GENERAL AND  
COMPLETE  
DISARMAMENT  
IN A PEACEFUL  
WORLD**

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**FREEDOM  
FROM  
WAR**



**THE UNITED STATES PROGRAM  
FOR GENERAL AND COMPLETE  
DISARMAMENT IN A PEACEFUL  
WORLD**

**DEPARTMENT OF STATE**



DEPARTMENT OF STATE PUBLICATION 7277

Disarmament Series 5

Released September 1961

Office of Public Services  
BUREAU OF PUBLIC AFFAIRS

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## Introduction

The revolutionary development of modern weapons within a world divided by serious ideological differences has produced a crisis in human history. In order to overcome the danger of nuclear war now confronting mankind, the United States has introduced at the Sixteenth General Assembly of the United Nations a *Program for General and Complete Disarmament in a Peaceful World*.

This new program provides for the progressive reduction of the war-making capabilities of nations and the simultaneous strengthening of international institutions to settle disputes and maintain the peace. It sets forth a series of comprehensive measures which can and should be taken in order to bring about a world in which there will be freedom from war and security for all states. It is based on three principles deemed essential to the achievement of practical progress in the disarmament field:

First, there must be immediate disarmament action:

A strenuous and uninterrupted effort must be made toward the goal of general and complete disarmament; at the same time, it is important that specific measures be put into effect as soon as possible.

Second, all disarmament obligations must be subject to effective international controls:

The control organization must have the manpower, facilities, and effectiveness to assure that limitations or reductions take place as agreed. It must also be able to certify to all states that retained forces and armaments do not exceed those permitted at any stage of the disarmament process.

Third, adequate peace-keeping machinery must be established:

There is an inseparable relationship between the scaling down of national armaments on the one hand and the building up of international peace-keeping machinery and institutions on the other. Nations are unlikely to shed their means of self-protection in the absence of alternative ways to safeguard their legitimate interests. This can only be achieved through the progressive strengthening of international institutions under the United Nations and by creating a United Nations Peace Force to enforce the peace as the disarmament process proceeds.

There follows a summary of the principal provisions of the United States *Program for General and Complete Disarmament in a Peaceful World*. The full text of the program is contained in an appendix to this pamphlet.

## FREEDOM FROM WAR

### THE UNITED STATES PROGRAM FOR GENERAL AND COMPLETE DISARM- AMENT IN A PEACEFUL WORLD

## Summary

### DISARMAMENT GOAL AND OBJECTIVES

The over-all goal of the United States is a free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law; a world which has achieved general and complete disarmament under effective international control; and a world in which adjustment to change takes place in accordance with the principles of the United Nations.

In order to make possible the achievement of that goal, the program sets forth the following specific objectives toward which nations should direct their efforts:

- The disbanding of all national armed forces and the prohibition of their reestablishment in any form whatsoever other than those required to preserve internal order and for contributions to a United Nations Peace Force;
- The elimination from national arsenals of all armaments, including all weapons of mass destruction and

the means for their delivery, other than those required for a United Nations Peace Force and for maintaining internal order;

- The institution of effective means for the enforcement of international agreements, for the settlement of disputes, and for the maintenance of peace in accordance with the principles of the United Nations;
- The establishment and effective operation of an International Disarmament Organization within the framework of the United Nations to insure compliance at all times with all disarmament obligations.

### TASK OF NEGOTIATING STATES

The negotiating states are called upon to develop the program into a detailed plan for general and complete disarmament and to continue their efforts without interruption until the whole program has been achieved. To this end, they are to seek the widest possible area of agreement at the earliest possible date. At the same time, and without prejudice to progress on the disarmament program, they are to seek agreement on those immediate measures that would contribute to the common security of nations and that could facilitate and form part of the total program.

### GOVERNING PRINCIPLES

The program sets forth a series of general principles to guide the negotiating states in their work. These make clear that:

- As states relinquish their arms, the United Nations must be progressively strengthened in order to improve its capacity to assure international security and the peaceful settlement of disputes;
- Disarmament must proceed as rapidly as possible, until it is completed, in stages containing balanced, phased, and safeguarded measures;
- Each measure and stage should be carried out in an agreed period of time, with transition from one stage to the next to take place as soon as all measures in the preceding stage have been carried out and verified and as soon as necessary arrangements for verification of the next stage have been made;
- Inspection and verification must establish both that nations carry out scheduled limitations or reductions and that they do not retain armed forces and armaments in excess of those permitted at any stage of the disarmament process; and
- Disarmament must take place in a manner that will not affect adversely the security of any state.

### DISARMAMENT STAGES

The program provides for progressive disarmament steps to take place in three stages and for the simultaneous strengthening of international institutions.

#### FIRST STAGE

The first stage contains measures which would significantly reduce the capabilities of nations to wage



It would certify to all states that agreed reductions have taken place and that retained forces and armaments do not exceed permitted levels.

It would determine the transition from one stage to the next.

- States would be committed to other measures to reduce international tension and to protect against the chance of war by accident, miscalculation, or surprise attack:

States would be committed to refrain from the threat or use of any type of armed force contrary to the principles of the U.N. Charter and to refrain from indirect aggression and subversion against any country.

A U.N. peace observation group would be available to investigate any situation which might constitute a threat to or breach of the peace.

States would be committed to give advance notice of major military movements which might cause alarm; observation posts would be established to report on concentrations and movements of military forces.

## SECOND STAGE

The second stage contains a series of measures which would bring within sight a world in which there would be freedom from war. Implementation of all measures in the second stage would mean:

- Further substantial reductions in the armed forces, armaments, and military establishments of states, including strategic nuclear weapons delivery vehicles and countering weapons;

- Further development of methods for the peaceful settlement of disputes under the United Nations;
- Establishment of a permanent international peace force within the United Nations;
- Depending on the findings of an Experts Commission, a halt in the production of chemical, bacteriological, and radiological weapons and a reduction of existing stocks or their conversion to peaceful uses;
- On the basis of the findings of an Experts Commission, a reduction of stocks of nuclear weapons;
- The dismantling or the conversion to peaceful uses of certain military bases and facilities wherever located; and
- The strengthening and enlargement of the International Disarmament Organization to enable it to verify the steps taken in Stage II and to determine the transition to Stage III.

## THIRD STAGE

During the third stage of the program, the states of the world, building on the experience and confidence gained in successfully implementing the measures of the first two stages, would take final steps toward the goal of a world in which:

- States would retain only those forces, non-nuclear armaments, and establishments required for the purpose of maintaining internal order; they would also support and provide agreed manpower for a U.N. Peace Force.

(b) States shall give advance notification to participating states and to the IDO of launchings of space vehicles and missiles, together with the track of the vehicle.

**F. To Reduce the Risks of War by Accident, Miscalculation, and Surprise Attack:**

(a) States shall give advance notification to the participating states and to the IDO of major military movements and maneuvers, on a scale as may be agreed, which might give rise to misinterpretation or cause alarm and induce countermeasures. The notification shall include the geographic areas to be used and the nature, scale and time span of the event.

(b) There shall be established observation posts at such locations as major ports, railway centers, motor highways, and air bases to report on concentrations and movements of military forces.

(c) There shall also be established such additional inspection arrangements to reduce the danger of surprise attack as may be agreed.

(d) An international commission shall be established immediately within the IDO to examine and make recommendations on the possibility of further measures to reduce the risks of nuclear war by accident, miscalculation, or failure of communication.

**G. To Keep the Peace:**

(a) States shall reaffirm their obligations under the U.N. Charter to refrain from the threat or use of any type of armed force—including nuclear, conventional, or CBR—contrary to the principles of the U.N. Charter.

(b) States shall agree to refrain from indirect aggression and subversion against any country.

(c) States shall use all appropriate processes for the peaceful settlement of disputes and shall seek within the United Nations further arrangements for the peaceful settlement of international disputes and for the codification and progressive development of international law.

(d) States shall develop arrangements in Stage I for the establishment in Stage II of a U.N. Peace Force.

(e) A U.N. peace observation group shall be staffed with a standing cadre of observers who could be despatched to investigate any situation which might constitute a threat to or breach of the peace.

**STAGE II**

**A. International Disarmament Organization:**

The powers and responsibilities of the IDO shall be progressively enlarged in order to give it the capabilities to verify the measures undertaken in Stage II.

**B. To Further Reduce Armed Forces and Armaments:**

(a) Levels of forces for the U.S., U.S.S.R., and other militarily significant states shall be further reduced by substantial amounts to agreed levels in equitable and balanced steps.

(b) Levels of armaments of prescribed types shall be further reduced by equitable and balanced steps. The reduction shall be accomplished by transfers of armaments to depots supervised by the IDO. When, at specified periods during the Stage II reduction process, the parties have agreed that the armaments and armed forces are at prescribed levels, the armaments in depots shall be destroyed or converted to peaceful uses.

(c) There shall be further agreed restrictions on the production of armaments.

(d) Agreed military bases and facilities wherever they are located shall be dismantled or converted to peaceful uses.

(e) Depending upon the findings of the Experts Commission on CBR weapons, the production of CBR weapons shall be halted, existing stocks progressively reduced, and the resulting excess quantities destroyed or converted to peaceful uses.

**C. To Further Reduce the Nuclear Threat:**

Stocks of nuclear weapons shall be progressively reduced to the minimum levels which can be agreed upon as a result of the find-



*The Statue of Liberty, located in New York Harbor, just southwest of Manhattan, was extensively restored and given a new torch with a gilded flame for its centennial rededication in 1986. President Reagan of the United States and President Mitterrand of France attended the Liberty Weekend 1986 rededication ceremony.*



**PARHURST, HELEN**, education; b. Durand, Wis. Mar. 8 1897; d. James H. and Ida (Searles) Parhurst; Mar. 8 1987; m. 1917; 2 children. **Education:** Columbia University, 1916-18, B.S. in Education; Columbia Teachers College, 1918-20, M. Ed. **Work:** Jan. 1916-Mar. 1918, studied with Dr. Maria Montessori, 1918-20, Montessori method; 1920-21, Montessori method Teacher; 1920-21, head primary dept. Central Wash. Coll. Ind. 1911-12, Central State Teachers Coll. Ind. 1912-14, assigned lab. plan. table, Tacoma Wash. 1914-15, head primary dept. 1915-16, head dept. N.Y.C. 1916, head mistress, 1916-21, via Fellowship Ind. 1921-23, head Research Assn. Inc. N.Y.C. 1923-25, edn. cons. Hoffman Sch. Columbia Teachers Coll. N.Y.C. 1925-26, edn. cons. Hoffman Sch. Columbia Teachers Coll. N.Y.C. 1926-27, edn. cons. Hoffman Sch. Columbia Teachers Coll. N.Y.C. 1927-28, TV program, 1927-48, radio program. **Children:** should be Hood, 1920, Knox Young Child from 1920; pers. Young Child, Inc. from 1942. **Other:** Dated Officer, Ord. of the Order of World Radio-TV Congress, 1948; Nat. Conv. Christians and Jews, 1949; Magazine Digest, 1949; D. Radio Inst. Jap., 1949; Nat. Award, Nat. Radio Inst. Jap., 1949; Nat. Award, Guild of Ind. Behn. Nat. Assn. Admirers Women Children's Found. (p. 1930-41), Internal Edn. Assn. (p. 1930-41), Am. Women in Radio and TV Comm. (p. 1930-41), Nat. Assn. of Women in Radio and TV, Educative in the Dalton Plan, 1922, Wash. D.C. Abn. in

**KEENE, 1935:** They Found Jimmy (novel), 1947: Know Your Child (chart), 1950: Exploring The Child's World (introduction by Aldous Huxley), 1951: (with Christine Hockaday) Underway, plus 1559 contributions to various articles in many varied journals by individual invitation 1924-25, 1934-35, 1935-36, 1939-40, 1942-43, 1944-45, 1946-47, 1948-49, 1950-51, 1952-53, 1954-55, 1956-57, 1958-59, 1960-61, 1962-63, 1964-65, 1966-67, 1968-69, 1970-71, 1972-73, 1974-75, 1976-77, 1978-79, 1980-81, 1982-83, 1984-85, 1986-87, 1988-89, 1990-91, 1992-93, 1994-95, 1996-97, 1998-99, 2000-01, 2002-03, 2004-05, 2006-07, 2008-09, 2010-11, 2012-13, 2014-15, 2016-17, 2018-19, 2020-21, 2022-23, 2024-25, 2026-27, 2028-29, 2030-31, 2032-33, 2034-35, 2036-37, 2038-39, 2040-41, 2042-43, 2044-45, 2046-47, 2048-49, 2050-51, 2052-53, 2054-55, 2056-57, 2058-59, 2060-61, 2062-63, 2064-65, 2066-67, 2068-69, 2070-71, 2072-73, 2074-75, 2076-77, 2078-79, 2080-81, 2082-83, 2084-85, 2086-87, 2088-89, 2090-91, 2092-93, 2094-95, 2096-97, 2098-99, 2100-01, 2102-03, 2104-05, 2106-07, 2108-09, 2110-11, 2112-13, 2114-15, 2116-17, 2118-19, 2120-21, 2122-23, 2124-25, 2126-27, 2128-29, 2130-31, 2132-33, 2134-35, 2136-37, 2138-39, 2140-41, 2142-43, 2144-45, 2146-47, 2148-49, 2150-51, 2152-53, 2154-55, 2156-57, 2158-59, 2160-61, 2162-63, 2164-65, 2166-67, 2168-69, 2170-71, 2172-73, 2174-75, 2176-77, 2178-79, 2180-81, 2182-83, 2184-85, 2186-87, 2188-89, 2190-91, 2192-93, 2194-95, 2196-97, 2198-99, 2200-01, 2202-03, 2204-05, 2206-07, 2208-09, 2210-11, 2212-13, 2214-15, 2216-17, 2218-19, 2220-21, 2222-23, 2224-25, 2226-27, 2228-29, 2230-31, 2232-33, 2234-35, 2236-37, 2238-39, 2240-41, 2242-43, 2244-45, 2246-47, 2248-49, 2250-51, 2252-53, 2254-55, 2256-57, 2258-59, 2260-61, 2262-63, 2264-65, 2266-67, 2268-69, 2270-71, 2272-73, 2274-75, 2276-77, 2278-79, 2280-81, 2282-83, 2284-85, 2286-87, 2288-89, 2290-91, 2292-93, 2294-95, 2296-97, 2298-99, 2300-01, 2302-03, 2304-05, 2306-07, 2308-09, 2310-11, 2312-13, 2314-15, 2316-17, 2318-19, 2320-21, 2322-23, 2324-25, 2326-27, 2328-29, 2330-31, 2332-33, 2334-35, 2336-37, 2338-39, 2340-41, 2342-43, 2344-45, 2346-47, 2348-49, 2350-51, 2352-53, 2354-55, 2356-57, 2358-59, 2360-61, 2362-63, 2364-65, 2366-67, 2368-69, 2370-71, 2372-73, 2374-75, 2376-77, 2378-79, 2380-81, 2382-83, 2384-85, 2386-87, 2388-89, 2390-91, 2392-93, 2394-95, 2396-97, 2398-99, 2400-01, 2402-03, 2404-05, 2406-07, 2408-09, 2410-11, 2412-13, 2414-15, 2416-17, 2418-19, 2420-21, 2422-23, 2424-25, 2426-27, 2428-29, 2430-31, 2432-33, 2434-35, 2436-37, 2438-39, 2440-41, 2442-43, 2444-45, 2446-47, 2448-49, 2450-51, 2452-53, 2454-55, 2456-57, 2458-59, 2460-61, 2462-63, 2464-65, 2466-67, 2468-69, 2470-71, 2472-73, 2474-75, 2476-77, 2478-79, 2480-81, 2482-83, 2484-85, 2486-87, 2488-89, 2490-91, 2492-93, 2494-95, 2496-97, 2498-99, 2500-01, 2502-03, 2504-05, 2506-07, 2508-09, 2510-11, 2512-13, 2514-15, 2516-17, 2518-19, 2520-21, 2522-23, 2524-25, 2526-27, 2528-29, 2530-31, 2532-33, 2534-35, 2536-37, 2538-39, 2540-41, 2542-43, 2544-45, 2546-47, 2548-49, 2550-51, 2552-53, 2554-55, 2556-57, 2558-59, 2560-61, 2562-63, 2564-65, 2566-67, 2568-69, 2570-71, 2572-73, 2574-75, 2576-77, 2578-79, 2580-81, 2582-83, 2584-85, 2586-87, 2588-89, 2590-91, 2592-93, 2594-95, 2596-97, 2598-99, 2600-01, 2602-03, 2604-05, 2606-07, 2608-09, 2610-11, 2612-13, 2614-15, 2616-17, 2618-19, 2620-21, 2622-23, 2624-25, 2626-27, 2628-29, 2630-31, 2632-33, 2634-35, 2636-37, 2638-39, 2640-41, 2642-43, 2644-45, 2646-47, 2648-49, 2650-51, 2652-53, 2654-55, 2656-57, 2658-59, 2660-61, 2662-63, 2664-65, 2666-67, 2668-69, 2670-71, 2672-73, 2674-75, 2676-77, 2678-79, 2680-81, 2682-83, 2684-85, 2686-87, 2688-89, 2690-91, 2692-93, 2694-95, 2696-97, 2698-99, 2700-01, 2702-03, 2704-05, 2706-07, 2708-09, 2710-11, 2712-13, 2714-15, 2716-17, 2718-19, 2720-21, 2722-23, 2724-25, 2726-27, 2728-29, 2730-31, 2732-33, 2734-35, 2736-37, 2738-39, 2740-41, 2742-43, 2744-45, 2746-47, 2748-49, 2750-51, 2752-53, 2754-55, 2756-57, 2758-59, 2760-61, 2762-63, 2764-65, 2766-67, 2768-69, 2770-71, 2772-73, 2774-75, 2776-77, 2778-79, 2780-81, 2782-83, 2784-85, 2786-87, 2788-89, 2790-91, 2792-93, 2794-95, 2796-97, 2798-99, 2800-01, 2802-03, 2804-05, 2806-07, 2808-09, 2810-11, 2812-13, 2814-15, 2816-17, 2818-19, 2820-21, 2822-23, 2

Merriman, Max faculty dept chemistry, U.R.I., 1931-68, prof chemistry 1939-68, chem dept 1950-68, prof emeritus 1968-75, did sci criminal investigation lab. exec dir adv b'd Quarterlymaster Research and Devel Natl Acad Sci-NRC, 1963-68; dir Jordan Research Conf., Merrimack adv panel to see Army Science & Service, New London, N.H., Dec 1963; Hampton (N.H.) Sch. Recipient medal for outstanding civilian service U.S. Army, Fellow N.Y. Acad. Sci. Mem. Am. Inst. Chemists (Quid medal 1962); Am. Inst. Chem. Engs. A.A.S. Sigma Xi, Phi Lambda Rho, Chi. Chemists (N.Y.C. University) (Iphoradone); Lions Club; serv. sci papers Phys. Chemistry, Home-Kingsman, R.I. Died Oct. 9, 1979, buried New Fernwood Cemetery, Kingston, R.I.

**PARMENTER, FREDERICK James**, surgeon; b Buffalo, N.Y. May 24, 1880; s. With Louis and Clara (Smith) P.; student DeVaux Coll. Minn; Cult. M.D. U. of Buffalo, 1903; m. Ella Kimberly, Nov. 26, 1910 (dec. Jan. 20, 1942); 1 dau., Mary K. m. Ed. Esther M. Pinnerman, April 16, 1912; 1 son, Fred (1948) Practiced at Buffalo, from 1903; became an assistant U. of Buffalo, 1918; prof. ornithology, con. Ural Buffalo General, Mayor Memorial and Children's hospitals; Mem. Med. Advisory Bd. No. 42 World War I Mem. A.M.A., Med. Soc. State N.Y., Erie County Med. Soc., Buffalo Acad. Medicine, American Urol. Assn., Alumnus Assn. U. of Buffalo, Kappa Alpha, Alpha Republican, Episcopi Club; Surv. Name: Williamville, N.Y. N.M. 1884: 1976 W-38

**PARR, CHARLES MCKEWE**, author, historian; b. Ball, Nov. 23, 1884; a Charles Edward and Helen B. McKew; P. student U S MA Acad. 1906, Columbia. 1909: LL.D., U. Bridgeport (Conn.), 1961; m. Ruth Butler, June 12, 1916; children - Charles McKew, Alexander Shipman, Dr. Thomas V. Crowell Co. Parr Historic Co. Inc. Parr Marina & Report Corp Sp. sent to see of state, 1918, (sp. agt. War Trade Bd., Bur. Reports Washington 1918; gunrunner serving in Spain and Canary Islands, 1919; m. state cons. SPR, 1942; m. Mary Ann Murray, 1943; m. Helen Conner, 1944; Rep. from Congress, 1947-49; Cons. Senate, 1951-53; Middlesex County, 1950-54; Donated McKew Parr Magellan collection to Brandon U., 1961; chmn. Middletown (Conn.) Library - Service Center, 1953-57.

[illegible]

Athletic Players (N.Y.C.) Author: Over and Above  
Our Pacific, 1941; So Noble a Captain, 1953)

**PARSON, HARRY**, composer, 5 compositions recorded; Warner Bros. Music, 1946. **Photos and Personalities**, 1937. Windings (f). Recipient **Marjorie Penningly** White House: San Diego, Cal. Dist. Sept. 3.

**PAR, ION**, author, journalist; b. 1893, self-educated. **Publicity work**, **Theatre Bucharest**, 1946; minister and deputy minister, 1945-48; pres., 1958-61, priv. 1961-64. He worked with Pgn. Committee, 1963-74. **Rumanian Communist party**, 1948-64. **Assembly**, 1948-68. **Named Hero** after 1971. **Mem. Union Journalists of R. R.** 1972. **Union Journalists**, **Trade Unions**, 1972. **Union Journalists**, 1972.

**PADCALL, THOMAS M.**, physician  
Nov 14, 1885; George Wiltman and  
P.; ad. Newark pub. schs and pri.  
Col. Pharmacy, 1900; M.D., U.  
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Intern. Seaports Point (Md) M.  
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surgcon, 1908-13; prof. pharmacology  
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surgcon Public Service Corporation  
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**PADCALL, JOSEPH ERNE**  
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Andrew Walker & Sons, Panters P.  
1917, A. B., Atlantic Christian Col.

LL B. Am. U. Los Angeles, 1936;  
Doe 18, 1919 (died 1977), children  
Charles W. Maazel, James W. Maazel,  
Irene C. Wittman; m. 1918; 4  
d3, dtr. 1947-74, teacher, 1943-52;  
1952-64; dtr. Wilson Savs. & Loan  
74; mem. N.C. Hl. of Hosp., 1946-  
practice, Wilson 44; m. 1946-55  
N.C., 1941-65; Vice chmn. bd. trus-  
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1965-66; Served with UNRRA,  
N.C. Wilson County, 1945-46; C.  
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Home; Wilson N.C. Died Nov. 8,

1932; La Maggio Chavornia, 1954;  
Pagani di Vite, 1935; C. G. Rossi  
Covati di Orsini, 1937; L'Vain  
estolles, 1958; Una Vita violenta  
primavera, 1960; La Poesia non  
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Roma 1950, 1960; di un poeta  
Roma, 1962; Il Vangelo Secondo  
uccellini. Address: Roma, Italy. D  
[redacted] e comprese  
[redacted] 1962; e John  
Cumberland U. 1916; m. Marie C.  
(d. July 1967); children: C. C.  
Harold, William M. 1948; Paul  
1968. Cotton farmer. Ts. 1913-  
bar, 1916, began practice at

**PATMOS, MARTIN**, physician.  
Med. Nov. 11, 1901; a Joseph  
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William M. Jones, M.D.,  
Baptist Mem'l Hosp., Grand Ra-  
fellow in medicine Mays Founda-  
medicine specializing in Internal Me-  
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sec. an upper respiratory disor-  
1944-71. Served with M.C. AUS  
Am. Bd. Internal Medicine, F.  
A.M.A., Am. Hosp. Assn., A.  
Probyn (elder); Hama; Kalamazoo  
2, 1971; buried Riverside Cemetery.

**PATRICK, GEORGE NEILL**, b.  
17, 1880; a John and Janet (La-  
Colt, 1903); m. John Foster Bro-

N. S. P. Johnson  
 John Chisholm  
 & Tray (L.V.) McFay  
 J. L. Graham  
 J. L. Graham  
 & Parish, 1918-22  
 T. Carey, Joann  
 & Stock Exchange;  
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 Aron, Pres. Senate

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 Resolved D.S.M. 1910. 1910. 1910  
 Cuth: College, Woman's City  
 Consultation for women, J. H. Har-  
 brooks Home, Pittsburgh, Pa.

PATTERSON, MARY KING, ed.  
 & William and Mary (McMahon)

Tracy, Herman dir.  
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 Tribune, 1914-18; woman's editor  
 JB; woman's editor N.Y. News, A.  
 Tribune, N.Y. News Syndicate, Br.  
 Co., Chicago, Chicago Tribune, Br.  
 Tribune-New York News Syndicate  
 Wallace Amn Inc.; trustee Mm  
 Trust, Roman Catholic Club, W.  
 (Washington); Newspaper Woman  
 (N.Y.C.); Home New York City.  
 1973

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**PATTERSON, SAMUEL WHITE**  
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 P. A. Bell, Call City N.Y. 1903; 1904  
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1963; named in his honor. American  
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and Social Sci. Acad. Publ. Arts  
Comm. (member of the auxiliary com-  
mittee). Am. Friends Society; Oxford  
Municipal Art Soc.  
Revolutionary War. Rebirth (founder)  
Episcopalian Church. School  
Episcopal Alumni Author. Spenser  
Revolution as Revoked in Poem  
Panama Canal and Places in the  
1923; Teaching of New York  
1923; Teaching the Child to Read  
and St. Peter's Church, 1935. His  
Horatio Goss: Defender of Am.

**PATTERSON, WILLIAM**  
physician; Cynthia, O. D.  
1907-1986

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and Harriet (McCune)  
sburg, Pa. 1901 Mem.

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aggressive war. Implementation of this stage would mean that:

- The nuclear threat would be reduced:

All states would have adhered to a treaty effectively prohibiting the testing of nuclear weapons.

The production of fissionable materials for use in weapons would be stopped, and quantities of such materials from past production would be converted to non-weapons uses.

States owning nuclear weapons would not relinquish control of such weapons to any nation not owning them and would not transmit to any such nation information or material necessary for their manufacture.

States not owning nuclear weapons would not manufacture them or attempt to obtain control of such weapons belonging to other states.

A Commission of Experts would be established to report on the feasibility and means for the verified reduction and eventual elimination of nuclear weapons stockpiles.

- Strategic delivery vehicles would be reduced:

Strategic nuclear weapons delivery vehicles of specified categories and weapons designed to counter such vehicles would be reduced to agreed levels by equitable and balanced steps; their production would be discontinued or limited; their testing would be limited or halted.

- Arms and armed forces would be reduced:

The armed forces of the United States and the Soviet Union would be limited to 2.1 million men each (with appropriate levels not exceeding that amount for other militarily significant states); levels of armaments would be correspondingly reduced and their production would be limited.

An Experts Commission would be established to examine and report on the feasibility and means of accomplishing verifiable reduction and eventual elimination of all chemical, biological and radiological weapons.

- Peaceful use of outer space would be promoted:

The placing in orbit or stationing in outer space of weapons capable of producing mass destruction would be prohibited.

States would give advance notification of space vehicle and missile launchings.

- U.N. peace-keeping powers would be strengthened:

Measures would be taken to develop and strengthen United Nations arrangements for arbitration, for the development of international law, and for the establishment in Stage II of a permanent U.N. Peace Force.

- An International Disarmament Organization would be established for effective verification of the disarmament program:

Its functions would be expanded progressively as disarmament proceeds.

- The U.N. Peace Force, equipped with agreed types and quantities of armaments, would be fully functioning.
- The manufacture of armaments would be prohibited except for those of agreed types and quantities to be used by the U.N. Peace Force and those required to maintain internal order. All other armaments would be destroyed or converted to peaceful purposes.
- The peace-keeping capabilities of the United Nations would be sufficiently strong and the obligations of all states under such arrangements sufficiently far-reaching as to assure peace and the just settlement of differences in a disarmed world.

## Appendix

### DECLARATION ON DISARMAMENT THE UNITED STATES PROGRAM FOR GENERAL AND COMPLETE DISARMA- MENT IN A PEACEFUL WORLD

The Nations of the world,

*Conscious* of the crisis in human history produced by the revolutionary development of modern weapons within a world divided by serious ideological differences;

*Determined* to save present and succeeding generations from the scourge of war and the dangers and burdens of the arms race and to create conditions in which all peoples can strive freely and peacefully to fulfill their basic aspirations;

*Declare* their goal to be: A free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law; a world where adjustment to change takes place in accordance with the principles of the United Nations; a world where there shall be a permanent state of general and complete disarmament under effective international control and where the resources of nations shall be devoted to man's material, cultural, and spiritual advance;

*Set forth* as the objectives of a program of general and complete disarmament in a peaceful world:

(a) The disbanding of all national armed forces and the prohibition of their reestablishment in any form whatsoever other than those required to preserve internal order and for contributions to a United Nations Peace Force;



(b) The elimination from national arsenals of all armaments, including all weapons of mass destruction and the means for their delivery, other than those required for a United Nations Peace Force and for maintaining internal order;

(c) The establishment and effective operation of an International Disarmament Organization within the framework of the United Nations to ensure compliance at all times with all disarmament obligations;

(d) The institution of effective means for the enforcement of international agreements, for the settlement of disputes, and for the maintenance of peace in accordance with the principles of the United Nations.

*Call on the negotiating states:*

(a) To develop the outline program set forth below into an agreed plan for general and complete disarmament and to continue their efforts without interruption until the whole program has been achieved;

(b) To this end to seek to attain the widest possible area of agreement at the earliest possible date;

(c) Also to seek—without prejudice to progress on the disarmament program—agreement on those immediate measures that would contribute to the common security of nations and that could facilitate and form a part of that program.

*Affirm* that disarmament negotiations should be guided by the following principles:

(a) Disarmament shall take place as rapidly as possible until it is completed in stages containing balanced, phased and safeguarded measures, with each measure and stage to be carried out in an agreed period of time.

(b) Compliance with all disarmament obligations shall be effectively verified from their entry into force. Verification arrangements shall be instituted progressively and in such a manner as to verify not only that agreed limitations or reductions take place but also that retained armed forces and armaments do not exceed agreed levels at any stage.

(c) Disarmament shall take place in a manner that will not

affect adversely the security of any state, whether or not a party to an international agreement or treaty.

(d) As states relinquish their arms, the United Nations shall be progressively strengthened in order to improve its capacity to assure international security and the peaceful settlement of differences as well as to facilitate the development of international cooperation in common tasks for the benefit of mankind.

(e) Transition from one stage of disarmament to the next shall take place as soon as all the measures in the preceding stage have been carried out and effective verification is continuing and as soon as the arrangements that have been agreed to be necessary for the next stage have been instituted.

Agree upon the following outline program for achieving general and complete disarmament:

## STAGE I

### A. *To Establish an International Disarmament Organization:*

(a) An International Disarmament Organization (IDO) shall be established within the framework of the United Nations upon entry into force of the agreement. Its functions shall be expanded progressively as required for the effective verification of the disarmament program.

(b) The IDO shall have: (1) a General Conference of all the parties; (2) a Commission consisting of representatives of all the major powers as permanent members and certain other states on a rotating basis; and (3) an Administrator who will administer the Organization subject to the direction of the Commission and who will have the authority, staff, and finances adequate to assure effective impartial implementation of the functions of the Organization.

(c) The IDO shall: (1) ensure compliance with the obligations undertaken by verifying the execution of measures agreed upon; (2) assist the states in developing the details of agreed further verification and disarmament measures; (3) provide for the estab-

lishment of such bodies as may be necessary for working out the details of further measures provided for in the program and for such other expert study groups as may be required to give continuous study to the problems of disarmament; (4) receive reports on the progress of disarmament and verification arrangements and determine the transition from one stage to the next.

#### ***B. To Reduce Armed Forces and Armaments:***

(a) Force levels shall be limited to 2.1 million each for the U.S. and U.S.S.R. and to appropriate levels not exceeding 2.1 million each for all other militarily significant states. Reductions to the agreed levels will proceed by equitable, proportionate, and verified steps.

(b) Levels of armaments of prescribed types shall be reduced by equitable and balanced steps. The reductions shall be accomplished by transfers of armaments to depots supervised by the IDO. When, at specified periods during the Stage I reduction process, the states party to the agreement have agreed that the armaments and armed forces are at prescribed levels, the armaments in depots shall be destroyed or converted to peaceful uses.

(c) The production of agreed types of armaments shall be limited.

(d) A Chemical, Biological, Radiological (CBR) Experts Commission shall be established within the IDO for the purpose of examining and reporting on the feasibility and means for accomplishing the verifiable reduction and eventual elimination of CBR weapons stockpiles and the halting of their production.

#### ***C. To Contain and Reduce the Nuclear Threat:***

(a) States that have not acceded to a treaty effectively prohibiting the testing of nuclear weapons shall do so.

(b) The production of fissionable materials for use in weapons shall be stopped.

(c) Upon the cessation of production of fissionable materials for use in weapons, agreed initial quantities of fissionable materials from past production shall be transferred to non-weapons purposes.

(d) Any fissionable materials transferred between countries for peaceful uses of nuclear energy shall be subject to appropriate safeguards to be developed in agreement with the IAEA.

(e) States owning nuclear weapons shall not relinquish control of such weapons to any nation not owning them and shall not transmit to any such nation information or material necessary for their manufacture. States not owning nuclear weapons shall not manufacture such weapons, attempt to obtain control of such weapons belonging to other states, or seek or receive information or materials necessary for their manufacture.

(f) A Nuclear Experts Commission consisting of representatives of the nuclear states shall be established within the IDO for the purpose of examining and reporting on the feasibility and means for accomplishing the verified reduction and eventual elimination of nuclear weapons stockpiles.

#### ***D. To Reduce Strategic Nuclear Weapons Delivery Vehicles:***

(a) Strategic nuclear weapons delivery vehicles in specified categories and agreed types of weapons designed to counter such vehicles shall be reduced to agreed levels by equitable and balanced steps. The reduction shall be accomplished in each step by transfers to depots supervised by the IDO of vehicles that are in excess of levels agreed upon for each step. At specified periods during the Stage I reduction process, the vehicles that have been placed under supervision of the IDO shall be destroyed or converted to peaceful uses.

(b) Production of agreed categories of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be discontinued or limited.

(c) Testing of agreed categories of strategic nuclear weapons delivery vehicles and agreed types of weapons designed to counter such vehicles shall be limited or halted.

#### ***E. To Promote the Peaceful Use of Outer Space:***

(a) The placing into orbit or stationing in outer space of weapons capable of producing mass destruction shall be prohibited.



# NEWS IN CHICAGO

## Truman Speaks to Special S

### WORLD STATE'S SUPER-SECRET CONSTITUTION!

#### Plan Sponsored by Hutchins Bared

BY FRANK HUGHES  
A highly restricted secret document, setting up the constitution and plan of a new world government which would supplant the United Nations, abolish the United States and all other countries as nations, and govern, tax, and regulate the world's people, with power to seize and manage private property, has been obtained exclusively by THE TRIBUNE.

It is the product of a self-styled Committee to Frame a World Constitution, one of a rash of militant globalist organizations which have sprung up in the United States and England since the United Nations has demonstrated its uselessness.

The committee president is Robert M. Hutchins, sometime chancellor of the University of Chicago, who frequently takes off on world saving jobs not connected with education at the Midway.

10 Others on Committee  
The committee membership includes 10 other professors, appointed by Hutchins, one of whom is a Rhodes scholar. They are:  
G. A. Borgese, humanities professor, University of Chicago

### Aim Tax Drive at Physicians and Farmers

BY ROBERT YOUNG  
[Chicago Tribune Press Service]  
Washington, Nov. 16—The income tax returns of farmers and physicians are receiving special scrutiny from bureau of internal agents. If present plans are carried out, the bureau's investigations of these occupational groups made so far can be considered only small beginnings that will soon develop into a nation-wide drive to shake loose more millions of dollars in income taxes.

One of the top officials of the treasury department who is in charge of tax investigations disclosed for the first time last week that the farmers and medical men are being singled out for special treatment. He estimated that the treasury is losing 400 million dollars a year in evaded income taxes, and declared that farmers and physicians are responsible for a large part of this. He said the rest is accounted for by the tax dodging of such figures as racketeers, gangsters, black market operators, and gamblers, and by the taxpayers, big and little, who at one time or another fail to include all their income on their returns.

Terms Cheating Extensive  
This treasury official, of course, was careful to emphasize that not all, nor even a sizable majority, of farmers and doctors are guilty of tax evasion, but he added there is every indication that tax cheating is extensive in these groups.

Recently he sent 128 internal revenue agents into various parts of the country to investigate.

### FOREIGN HELP PROGRAM WILL BE PRESENTED

#### Inflation Curb Also to Be Asked

BY ARTHUR SEARS HENNING  
[Chicago Tribune Press Service]  
Washington, Nov. 16—Called back by the President to consider his plan to relieve suffering in Europe, resist Russian imperialism and check inflation in the United States, the 80th congress will reassemble at noon tomorrow for one of the most momentous sessions in the nation's history.

President Truman will appear at a joint session of the house and senate at 1:30 p. m. (12:30, Chicago time) to submit his recommendations of legislation.

With the Democratic President and the Republican majority of congress at odds on many features of foreign policy and on tax reduction, the cause and cure of the high cost of living and other domestic issues, the special session beginning tomorrow and the regular session starting in the first week of January will resound with a debate that will be carried into the Presidential election of 1948.

Urgent Matters at Stake  
The matters calling for the immediate consideration of congress are:



### NEIGHBOR SLAIN



## Plan Sponsored by Hutchins Bared

BY FRANK HUGHES

A highly restricted secret document setting up the constitution and plan of a new world government which would supplant the United Nations, abolish the United States and all other countries as nations, and govern, tax, and regulate the world's people, with power to seize and manage private property, has been obtained exclusively by THE TRIBUNE.

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### 10 Others on Committee

The committee membership includes 10 other professors, appointed by Hutchins, one of whom is a Rhodes scholar. They are:

G. A. Borgese, humanities professor, University of Chicago.

Mortimer J. Adler, philosophy of law professor, Chicago.

Stringfellow Barr, president, St. John's college.

Albert Guerard, literature professor, Stanford university.

Harold A. Innis, head of the department of political economy, University of Toronto (Canada).

Erich Kahler, lecturer, New School for Social Research, New York.

Wilber C. Katz, dean, law school, University of Chicago.

Charles McIlwain, government professor, Harvard university.

Robert Redfield, dean of social sciences, University of Chicago.

Rexford Guy Tugwell, former New Deal brain truster and now political science professor, University of Chicago.

### Went to World List

Hutchins has explained that his fright over the explosion of the atom bomb and disgust with the failures of U. N. led him to appoint the commission and direct it to draft a constitution for a more powerful supra-national government. Apparently the commission is financed from the coffers of the University of Chicago and private contributions. It has no official standing.

The confidential document was printed by the University of Chicago two months ago in a "restricted" edition and that in some 40 or 50

tax returns of farmers and physicians are receiving special scrutiny from bureau of internal agents. If present plans are carried out, the bureau's investigations of these occupational groups made so far can be considered only small beginnings that will soon develop into a nation-wide drive to shake loose more millions of dollars in income taxes.

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### Terms Cheating Extensive

This treasury official, of course, was careful to emphasize that not all, nor even a sizable majority, of farmers and doctors are guilty of tax evasion, but he added there is every indication that tax cheating is extensive in these groups.

Recently he sent 128 internal revenue agents into a relatively small agricultural area in the west consisting of a group of counties and told them to concentrate on farmers. This intensive probe resulted in the uncovering of 5 million dollars in evaded taxes, he reported. Similarly, the physicians in a certain area were given a spot check. The official said that of the first five, doctors chosen at random, all were found guilty of withholding income from their returns to some extent.

### Have Poor Memories

He asserted that the basic reason many farmers tend to evade taxes is that "they keep no books and have poor memories." Likewise, physicians deal largely in cash and have no checks on them in the form of recorded salary payments and withholding taxes.

The official said that if the bureau of internal revenue can obtain the necessary appropriations from congress, it will begin a systematic investigation of farmers and physicians in various areas throughout the country. When each area is "dry cleaned," as he put it, the investigating crew will move on to another and concentrate there until they are convinced the maximum amount of evaded taxes is pried loose.

## Inflation Curb Also to Be Asked

BY ARTHUR SEARS HENNING

(Chicago Tribune Press Service)

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### Urgent Matters at Stake

The matters calling for the immediate consideration of congress are:

1. Proposals by the President that 600 million dollars be voted at once to relieve want in France, Italy, and Austria this winter and keep those countries from falling into the hands of the Moscow directed Communists.

2. A recommendation of a 500 million dollar emergency appropriation to cover relief in the American occupied zone of Germany and the British zone in which the London government is asking the United States to share the burden of expense.

3. The Marshall plan to check the advance of Russian communism by rehabilitating western Europe at an expense of 16 to 20 billion dollars to American taxpayers.

4. Measures recommended by the President to check the rising inflation at home by various devices designed to halt advancing prices and control commodity supplies and credit.

### Delay Marshall Plan Decision

The President in his message to congress will present the anti-inflation program and the proposals of interim aid to Europe in detail while merely outlining the Marshall plan which he will submit in detail in a special message a couple of weeks hence. The interim aid is scheduled for passage at the short special session. The anti-inflation proposals will be debated in the immediate



## NEIGHBOR SLAIN IN WRONG HOME

Enters Similar House; Mistaken for Prowler

(Picture on page 6)

Henry F. Drane, 30, of 2530 E. 97th pl., married and the father of two young children, died last night in South Chicago hospital as a result of being shot by a neighbor whose home he entered by mistake and who believed that Drane, only befuddled by drinking, was a burglar.

Drane was shot by Wayne F. Miller, 29, who resides at 9739 Horle av. in a brick home somewhat similar inside and out to Drane's, and only six doors away.

Drane, a draftsman for an iron works at 2864 E. 95th st., and his wife, Helen, 28, had attended a weekly poker party in the neighborhood. While his wife left the party early to go home to their children, William, 6, and Carol, 3, Drane stayed to help his host clean up and to have a few drinks.

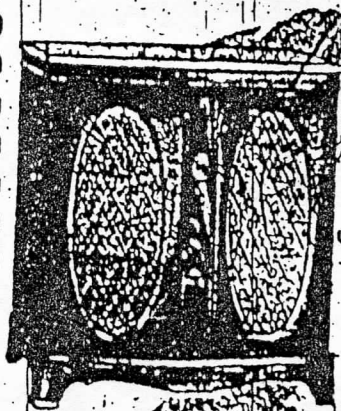
### Breaks Door Pane to Enter

Before he became unconscious, Drane admitted he was befuddled by drink. He said he thought he was looking out of his own home,

# Bendix

THE REAL VOICE OF

# Radio

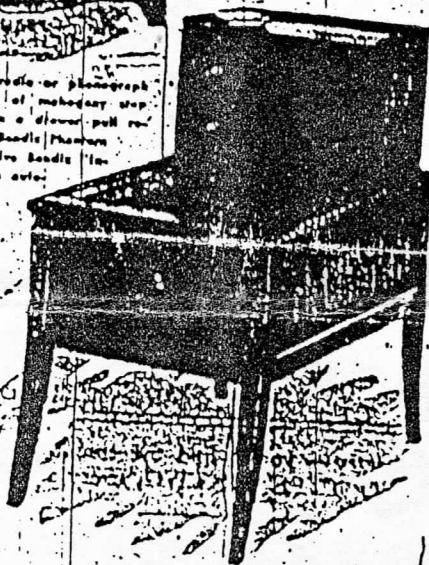


Here, an attractive radio-phonograph in hollywood style, providing FM, STANDARD and Short Wave reception. High fidelity and superlative tone quality make this radio-phonograph a real buy and a beautiful piece of furniture.

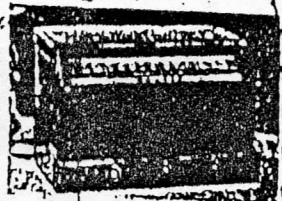
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There's no sign of radio or phonograph about this smartest of modern step tables until you turn a glow-in-the-dark dial. Another exclusive Bendix "Invisible" Radio, with automatic record player.

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This set is perfect for your own personal use and can be used in any room in the house. Both AC and DC. Phonograph connection.

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## WORLD STATE'S SUPER-SECRET CONSTITUTION!

### Scheme That Hutchins Sponsors Disclosed

(Continued from first page)

vate physical and intellectual standards anywhere.

To coin money, control credit, and administer a world bank.

To organize and direct the use of the world army which would supplant all national armies.

To regulate immigration and emigration and grant federal [world] passports.

To judge and settle all conflicts between nations.

To control and administer its own constitution and government and grant rights to individuals as it sees fit. Powers not specifically delegated to the world government remain with the individual nations.

There are also constitutional prohibitions against racial discrimination in any state or nation on earth, slavery, forced labor, unreasonable search and seizure, and ex post facto law.

#### 3. Divides Wealth to All

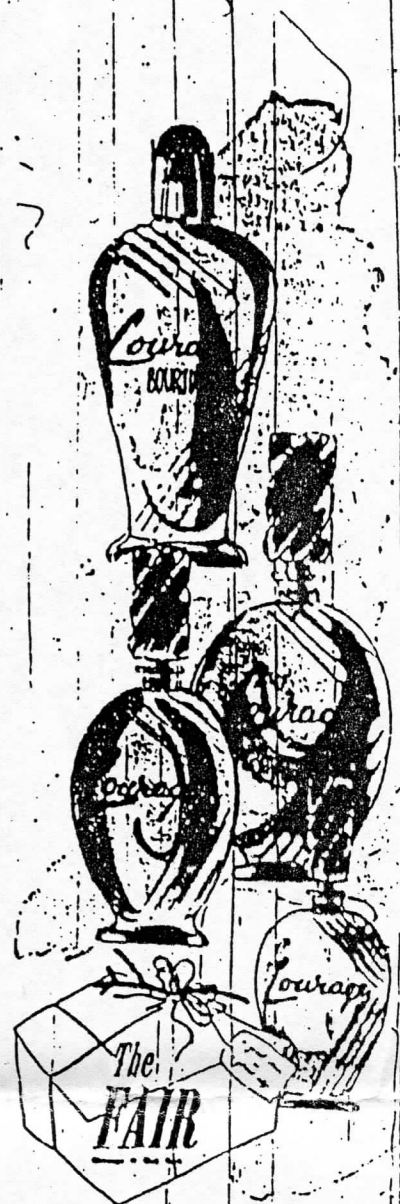
The same section, however, gives all the people of the world access, on equal terms, to raw materials and sources of energy, wherever they may be located. This clause seems to open the door to any poorer nations or regions, as they will be called, who want America's natural wealth.

The legal section of the constitution contains a prohibition against capital punishment all over the world, a proposition which may have been copied from a recent soviet law. The Russians abolished the death sentence so that the state could profit from the convict labor of murderers and traitors who would be an "economic waste" dead.

The draft constitution also provides that the world organization's treasury, financed by direct taxes on individuals everywhere, shall pay for old age pensions, unemployment relief, health insurance, maternity and infant care, public education, and a sufficient amount of leisure time for the people of all nations or "regions" too poor to pay for these things themselves.

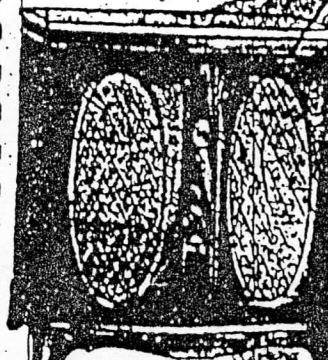
#### 4. Bolsters Power Potential

Another clause empowers the world government to seize and operate any business or property of an international nature which has the appearance of a federal [world] public service, or which has monopolistic inclinations. The owners would be paid, as is done under the social-



\$1.50



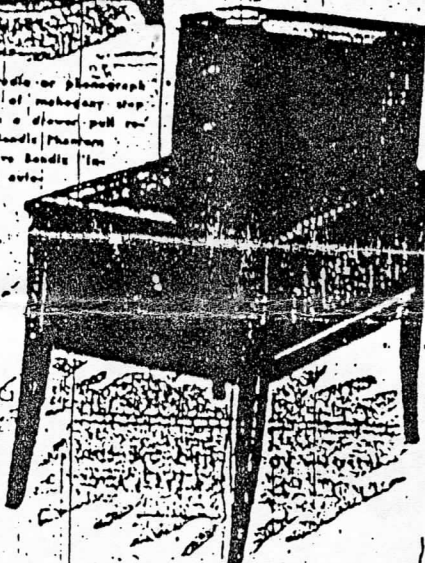


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 To regulate immigration and emigration and grant federal (world) passports.  
 To judge and settle all conflicts between nations.  
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### Seizure Power Retained

Another clause empowers the world government to seize and operate any business or property of an international nature which has the appearance of a federal (world) public service, or which has monopolistic inclinations. The owners would be paid, as is done under the socialist nationalization scheme in England today.

The preamble of the draft constitution says that nations surrender their sovereignty to the world government because the age of nations must end. The bill of rights appears to be a combination of Franklin D. Roosevelt and Karl Marx rather than anything taken from the United States Constitution.

It guarantees only freedom from want, freedom from fear, freedom from slavery and exploitation, and freedom to mingle. It contains a paraphrase of the Marxian dogma, "from each according to his abilities; to each according to his needs," which the Prussian socialist held out as the ultimate goal of communism.

### Omits Right to Worship

Nothing is said in the document about religion, nor is there any specific right to worship. Freedom of speech and of the press, along with freedom of assembly and freedom to travel, are relegated to the codicil or world laws, with the provision that they may be suspended when the world government votes a state of emergency.

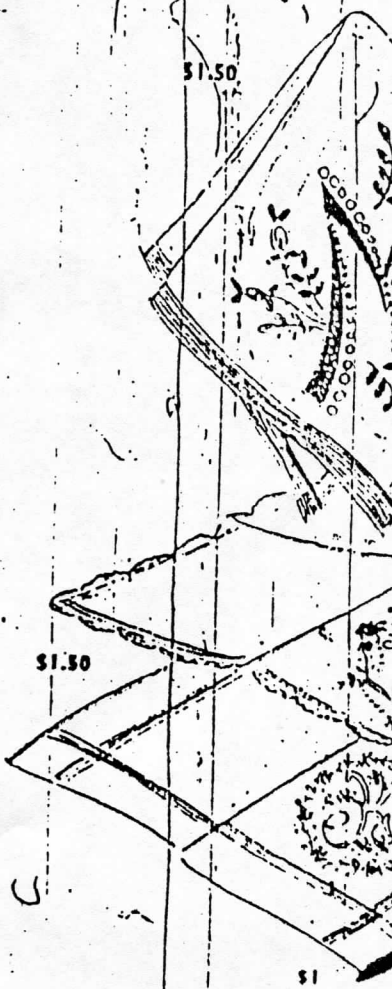
A section unique to any bill of rights hitherto drafted in the western world says that air, water, earth, and energy are the common property of mankind, and that any vested, private, national, or corporate use and management of them must be subordinated to the common good.

Under this clause, a world judicial tribunal apparently could seize and confiscate private property. Here or

[Continued on following page]



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\$1



# WORLD STATE'S SUPER-SECRET CONSTITUTION!

## Scheme That Hutchins Sponsors Disclosed

[Continued from preceding page]

anywhere else, on sole grounds of social good.

### American Idea Reversed

Following the socialist precept that the people are granted rights by the government only when they discharge responsibilities and duties to the government and society, there is a section in the bill of rights on the duties of all citizens. It includes sharing of responsibilities, doing productive labor, refraining from violence, and practicing the golden rule.

The American idea, set down in 1787 in the United States Constitution, is that the common people have all the power and rights there are, getting them from a source higher than mortal man; that they grant certain powers to government subject to withdrawal upon abuse, and that they retain the most important rights—inalienable and inviolable—as common to all individuals.

One interesting agency of the proposed world government is a planning group of 21 members, who under the draft constitution would prepare the global budget, and also be empowered to pass on the social usefulness of new inventions and the exploitation of natural resources, and able to suppress them if it saw fit.

in's  
ne. This apparently is a hedge against a new atomic bomb, or bacterial war.

fare, both of which frightened Hutchins, but it could be used just as effectively to stifle competition with any governmental monopoly.

For four months the so-called committee to frame a world constitution has been publishing a monthly magazine called Common Cause, which relates its activities and the views of its individual members.

The professors apparently chose the name without much investigation, because the new magazine has been challenged and denounced by an older organization bearing the same name, Common Cause, organized by Mrs. Natalie Wales Paine in New York City.

This is an outfit which began business last January [the Chicago magazine has been published only since July] to combat communism, fascism, and other totalitarian doctrines and support red-white-and-blue Americanism as practiced by Thomas Jefferson.

### Founder Disclaims Link


"Common Cause, Inc., has no connection whatsoever with the magazine called Common Cause, a new monthly organ of the committee to frame a world constitution headed

by Robert M. Hutchins of the University of Chicago," Mrs. Paine said recently.

"In the first issue of this magazine an attitude is expressed toward America and democracy on the one hand, and soviet Russia and communism on the other, which is completely at variance with the stated principles and measures to support them advocated by Common Cause, Inc."

The first issue of this magazine relates that the committee opened offices in two stories of an old

[Continued on following page]



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# WORLD STATE'S SUPER-SECRET CONSTITUTION!

Scheme That Hutchins  
Sponsors Revealed

[Continued from preceding page]

fraternity house on the south-lane of the Midway. It boasts that in "a world society IN NUCE (in the nucleus), the office is as classless as it is plurinational."

## Secret Meetings Described

The magazine also describes the secret meetings held, some of them apparently in this sheltered and ancient fraternity house, described as "an oldish villa," and others in private quarters at the Harvard club, New York, the Shoreland hotel, Chicago, and the Roosevelt hotel, New York.

"No announcement of the committee had been made public all thru its first sessions," the magazine says. "except a circumstantial mention, generally left out by the press, in Hutchins' annual address at the dinner of the trustees of the University of Chicago, Jan. 9, 1946."

The draft constitution of the Hutchins committee includes a world government structure, which has many unusual bodies and officials with odd titles.

The basic group is a federal convention, composed of about 200 delegates, one for each one million persons, elected by popular ballot. Each delegate would vote as an individual and not as a national representative. The convention would sit for 30 days in May of every third year.

## World Division Revealed

The federal convention would be split up into nine electoral colleges, representing the regions into which the professors want to subdivide the world, outlawing nationalism. These are Europa, Atlantis (the United States, Canada, and Mexico), Eurasia (Russia and satellites), Afrasia (middle East), Africa (south of the Sahara), India, Asia Major (China, Japan, Korea, and islands), Australia, Oceania, and Antarctica.

syndicates, unions, and corporate interests.

A scientific, cultural, and educational group, apparently paralleling the United Nations Educational, Scientific and Cultural organization, which is attempting today to rewrite the world's school textbooks so as to remove nationalism.

The president of the world organization—how he is elected is not said—would serve for one six year term and would have executive power and the power to initiate legislation.

He would appoint a chancellor, who in turn would appoint a cabinet for the president—number and titles not given—and would represent the president before the world council. Apparently in deference to the British parliamentary system, the president, chancellor, cabinet, and all would fall before a vote of no confidence by the world council.

## Power Granted President

The president of the world—a title to which the late Franklin D. Roosevelt is said to have aspired—would have power of veto over world council legislation, to be overridden only by a two-thirds vote of the council, supported by a majority of the grand tribunal, another world organization of international lawyers sitting on benches.

The grand tribunal would be a panel of 60 justices, including the world president and the chairman of the world council (elected by that

body), and would be the supreme judicial power of the world.

The grand tribunal would be split up into five benches, judging world constitutional issues, conflicts between the world government and states, between world government and citizens, between individual states, and involving federal (world) laws.

## World Supreme Court

Then there would be a seven man supreme court—one justice from each of the five benches plus the chief justice and the chairman of the world council—which would be ultimate world legal authority, reviewing every grand tribunal decision.

There is also to be a tribune of the people, a world lawyer elected by the federal convention to defend natural and civil rights of individuals and groups before the world bar.

The real powerhouse of this proposed world organization would be the chamber of guardians, composed of the world president and six councilmen elected by the world council.

It would have unrestricted control and use of world armies, navies, air forces, and weapons, and would be able to write its own appropriations for world peace and defense. In a state of emergency, it could force

thru any appropriation it saw fit, subject to later auditing.

## Provision for Dictatorship

Under the same conditions, it could grant to the world president dictatorial powers, upon the vote of four of its seven members, ratified by two-thirds of the world council and grand tribunal.

The chamber of guardians would have a general staff and institute of technology under its wing, which would have the power of setting limits on the militia, weapons, and armament each nation could keep for its own defense.

The world constitution also contains sections on amending power, ratification, and the establishment of a world language. Within one year of its acceptance, it must choose

[Continued on following page]

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## Sponsors Revealed

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England would be given the choice of allying itself with Europe or the United States, while the new Indian state of Pakistan would have three choices—Afrasia, India, or Austrasia.

The federal convention would elect a 99 man world council, nine from each electoral college, and 18 nominated by any organization of a world-wide nature or operating in more than three regions. The world council would have power to legislate and would be the chief governing body.

### Three Subsidiary Units

It would also establish three subsidiary organizations:

A house of nationalities, to protect minorities, local institutions, and "autonomies,"

A syndical senate, to represent

who in turn would appoint a chancellor, for the president—number and titles not given—and would represent the president before the world council. Apparently in deference to the British parliamentary system, the president, chancellor, cabinet, and all would fall before a vote of no confidence by the world council.

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# WORLD STATE'S SUPER-SECRET CONSTITUTION!

## Scheme That Hutchins Sponsors Revealed

(Continued from preceding page)

a federal capital in a federal district. Adler declined to comment on the committee's financial background. "It is my understanding that the document as yet is confidential," he said. "Details of the committee's organization and support may properly be made public only when the document is formally released." Other Chicago members of the committee either were out of town or otherwise not available for comment.

### Parallels Earlier Group

The Hutchins committee to frame a world constitution curiously parallels his so-called freedom of the press commission, which he previously appointed and which was financed by a \$200,000 gift from Henry R. Luce, publisher of the Time-Life-Fortune magazines and an Oxford University graduate.

Both Hutchins and Redfield are members of the freedom of the press group, and in addition, Hutchins appointed William E. Hocking, philosophy professor at Harvard University, Reinhold Niebuhr, professor at Union Theological seminary, and Beardsley Ruml, former University of Chicago professor and now chairman of the board of R. H. Macy department store in New York, to his original panel of world constitutionalists.

Hocking, Niebuhr, and Ruml resigned from the latter group, although all three of them are still affiliated with the Luce-Hutchins commission. Niebuhr resigned because he published an article about world government being a myth.

### Reports Tell of Activities

The interesting activities of some members of the Hutchins world constitutionalists committee are documented in straight communist propaganda existence.

The January, 1942, issue had an editorial which said: "It is not because Russia has saved us that we thank God for the Red army. It is simply because of what Russia is and because of the quality of the Red army itself, the spiritual quality of its soldiers, the way its soldiers feel toward its people, the way its soldiers feel toward their enemies."

Hutchins' most notorious connection was his service on the advisory council of the Moscow State university, summer session, 1935.

Erich Kahler is a lecturer at the New School of Social Research in New York City.

### War Haven for Radicals

The joint legislative committee of New York investigating seditious activities reported that the New School for Social Research, founded in 1920, was "established by men who belong to the ranks of near-Bolshevik intelligentsia, some of them being too radical in their views to remain on the faculty of Columbia University." Through the war it was a haven for refugee professors from Europe with radical leanings. Harold Laski, British left wing Socialist, was one of its instructors.

Mortimer J. Adler is another radical who was reported to have said "we must do everything we can to abolish the United States." The Cleveland Plain Dealer printed that statement attributed to him during a lecture there Oct. 23, 1943. Adler later denied he had said it, or had meant what the words said. He is one of the lecturers on Hutchins' "Great Books of Antiquity" circuit.

### Annals Capitalistic System

Back in 1940 Adler told a Chicago convention of 1,000 English teachers that they ought to commit academic suicide and eliminate themselves for the good of education. In another lecture in March, 1938, he is reported to have said: "The capitalist system is a system of thefts. There is nothing in Christianity that can defend the existing division of property."

James T. Farrell, in his book "The League of Frightened Philistines," gave this estimate of Adler: "Every time I see the name of Mortimer J. Adler I am reminded of a remark Samuel Johnson made about an 18th century poet. 'He was dull in a new way and that made many think him great.' As a contemporary obscurantist and obscurator, Mortimer J. Adler bows to no one—not even to Walter Dill Scott, who was a member of the council which changed over with the Stalin-Hitler pact. They also reported he has been a contributor to Equality, a racial monthly, the leading personnel of which were Communists or pro-Communists, aping the party line.

tem of study at St. John's college which is similar to Hutchins' "Great Books" program and has won wide praise—and some hearty condemnation—from radical scholars. According to the Congressional Record, he was urging the immediate declaration of war on England's side as far back as September, 1940.

The communist Daily Worker says Barr signed the 1940 petition to free Samuel Adams Darcy, a communist leader, extradited for election registration irregularities.

Albert Guerard, according to congressional reports, was affiliated with the Committee for Anti-Nazi Literature, the American Committee to Save Refugees, and the Citizens Committee to Free Earl Browder, all well known communist fronts.

### Backed War on Finland

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Rexford Guy Tugwell was raised from an obscure professorship at Columbia University to a dominant place in the New Deal by the late Franklin D. Roosevelt. As under-secretary of agriculture he was the manipulator behind Henry A. Wallace's radical agricultural schemes at the time of the "slaughter of the million little pigs."

One of his most famous quotations is that "business will logically be required to disappear." In the new social order the New Dealers were forming. He made a trip to Soviet Russia and came back full of new ideas for state planning patterned on the communist Gosplan, some of which he was able to put

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(Continued from preceding page)

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G. A. Borgese is listed in congressional reports as sponsor of the American Committee to Save Refugees, one of a network of refugee committees stemming from the communist medical bureau connected with the Spanish civil war front. The congressional committee said it rescued communist refugees and blackjacked others into doing communist bidding.

He was president of the Chicago chapter of the League of American Writers, which numbered such stalwarts as Upton Sinclair, Donald Ogden Stewart, Rex Stout, and Langston Hughes, and was for "writers who have clearly indicated their sympathy with the revolutionary cause; who do not need to be convinced of the decay of capitalism, of the inevitability of revolution."

### Editorial Praised Reds

Borgese also was an editorial adviser of The Protestant, formerly the Protestant Digest, which the congressional committee called one of the most remarkable vehicles

for his service on the advisory council of the Moscow State university, summer session, 1935.

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## STEVENS

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# Mystery

TO 8:30 P. M.



of straight communist propaganda in existence.

The January, 1942, issue had an editorial which said: "It is not because Russia has saved us that we thank God for the Red army. . . . It is simply because of what Russia is and because of the quality of the Red army itself, the spiritual quality of its soldiers, the way its soldiers feel toward its people, the way its soldiers feel toward their enemies."

Hutchins' most notorious connection was his service on the advisory council of the Moscow State university, summer session, 1935.

Erich Kahler is a lecturer at the New School of Social Research in New York City.

#### War Haven for Radicals

The joint legislative committee of New York investigating seditious activities reported that the New School for Social Research, founded in 1920, was "established by men who belong to the ranks of near-Bolshevik intelligentsia, some of them being too radical in their views to remain on the faculty of Columbia university." Throughout the war it was a haven for refugee professors from Europe with radical leanings. Harold Laski, British left wing Socialist, was one of its instructors.

Mortimer J. Adler is another radical who was reported to have said "we must do everything we can to abolish the United States." The Cleveland Plain Dealer printed that statement attributed to him during a lecture there Oct. 29, 1945. Adler later denied he had said it, or had meant what the words said. He is one of the lecturers on Hutchins' "Great Books of Antiquity" circuit.

#### Annals Capitalistic System

Back in 1940 Adler told a Chicago convention of 1,000 English teachers that they ought to commit academic suicide and eliminate themselves for the good of education. In another lecture in March, 1938, he is reported to have said: "The capitalist system is a system of thefts. There is nothing in Christianity that can defend the existing division of property."

James T. Farrell, in his book "The League of Frightened Philistines," gave this estimate of Adler: "Every time I see the name of Mortimer J. Adler I am reminded of a remark Samuel Johnson made about an 18th century poet. 'He was dull in a new way and that made many think him great.' As a contemporary obscurantist and obscurator, Mortimer J. Adler bows to no one—not even to Waldo Frank.

tem of study at St. John's college which is similar to Hutchins' "Great Books" program and has won wide praise—and some hearty condemnation—from radical scholars. According to the Congressional Record, he was urging the immediate declaration of war on England's side as far back as September, 1940.

The communist Daily Worker says Barr signed the 1940 petition to free Samuel Adams Darcy, a communist leader, extradited for election registration irregularities.

Albert Guernard, according to congressional reports, was affiliated with the Committee for Anti-Nazi Literature, the American Committee to Save Refugees, and the Citizens Committee to Free Earl Browder, all well known communist fronts.

#### Backed War on Finland

The same source said he signed the American Council of Soviet Relations letter urging the United States to declare war on Finland.

the council was a communist front which changed over with the Stalin-Hitler pact. They also reported he has been a contributor to Equality, a racial monthly, the leading personnel of which were Communists or pro-Communists, aping the party line.

Rexford Guy Tugwell was raised from an obscure professorship at Columbia university to a dominant place in the New Deal by the late Franklin D. Roosevelt. As under-secretary of agriculture he was the manipulator behind Henry A. Wallace's radical agricultural schemes at the time of the "slaughter of the million little pigs."

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over in the early days of the New Deal. He was a contributing editor to the New Republic.

Tugwell has written several books on socialist planning and on Soviet Russia, and in his tenure as governor general of Puerto Rico introduced socialist planning and state-

**CHICAGO DAILY TRIBUNE**  
Monday, Nov. 17, 1947 \*\*\* 17

operated factories to the unenthusiastic citizens of that American dependency. He came to the University of Chicago from Puerto Rico last year.



Playing aigins, graceful hipline draping, a loose wing cascading below the hem. Royal blue, black, brown rayon crepe, with matching scarf. Change or budget if you wish.

**SPALDING**

Committee to frame a world constitution, one of a rash of militant globalist organizations which have sprung up in the United States and England since the United Nations has demonstrated its uselessness.

The committee president is Robert M. Hutchins, sometime chancellor of the University of Chicago, who frequently takes off on world saving jobs not connected with education at the Midway.

#### 10 Others on Committee

The committee membership includes 10 other professors, appointed by Hutchins, one of whom is a Rhodes scholar. They are:

G. A. Borgese, humanities professor, University of Chicago.

Mortimer J. Adler, philosophy of law professor, Chicago.

Stringfellow Barr, president, St. John's college.

Albert Guerard, literature professor, Stanford university.

Harold A. Innis, head of the department of political economy, University of Toronto (Canada).

Erich Kahler, lecturer, New School for Social Research, New York.

Wilber G. Katz, dean, law school, University of Chicago.

Charles McIlwain, government professor, Harvard university.

Robert Redfield, dean of social sciences, University of Chicago.

Rexford Guy Tugwell, former New Deal brain trustee and now political science professor, University of Chicago.

#### Sent to World List

Hutchins has explained that his fright over the explosion of the atom bomb and disgust with the failures of U. N. led him to appoint the commission and direct it to draft a constitution for a more powerful supra-national government. Apparently the commission is financed from the coffers of the University of Chicago and private contributions. It has no official standing.

The confidential document was printed by the University of Chicago two months ago in a "restricted" edition and sent to some 40 or 50 selected internationalist sympathizers in various parts of the world with the solemn injunction that it was not for public use or circulation and should not be reproduced. The recipients will be asked to discuss it at a conference to be called later, and the committee has promised to publish it next January.

#### Follows Allen Principles

The draft contains the usual constitutional sections, a bill of rights, a preamble, and articles setting forth powers and means of govern-

large part of this. He said the rest is accounted for by the tax dodging of such figures as racketeers, gangsters, black market operators, and gamblers, and by the taxpayers big and little, who at one time or another fail to include all their income on their returns.

#### Terms Cheating Extensive

This treasury official, of course, was careful to emphasize that not all, nor even a sizable majority, of farmers and doctors were guilty of tax-evasion, but he added there is every indication that tax cheating is extensive in these groups.

Recently he sent 128 internal revenue agents into a relatively small agricultural area in the west consisting of a group of counties and told them to concentrate on farmers. This intensive probe resulted in the uncovering of 5 million dollars in evaded taxes, he reported. Similarly, the physicians in a certain area were given a spot check. The official said that of the first five doctors chosen at random, all were found guilty of withholding income from their returns to some extent.

#### Have Poor Memories

He asserted that the basic reason many farmers tend to evade taxes is that "they keep no books and have poor memories." Likewise, physicians deal largely in cash and have no checks on them in the form of recorded salary payments and withholding taxes.

The official said that if the bureau of internal revenue can obtain the necessary appropriations from congress, it will begin a systematic investigation of farmers and physicians in various areas throughout the country. When each area is "dry cleaned," as he put it, the investigating crew will move on to another and concentrate there until they are convinced the maximum amount of evaded taxes is pruned loose.

**FRENCH ARE TOLD U.S. WORKERS' OUTPUT IS 3½ TO 5 TIMES THEIRS**

(Chicago Tribune Press Service)

PARIS, Nov. 16—The monthly industrial trade paper Jeune Patron today said the American workman daily produces 3½ to 5 times more than French workers.

The author of the article visited the United States and investigated

(time) to submit his recommendations of legislation.

With the Democratic President and the Republican majority of congress at odds on many features of foreign policy and on tax reduction, the cause and cure of the high cost of living and other domestic issues, the special session beginning tomorrow and the regular session starting in the first week of January will resound with a debate that will be carried into the Presidential election of 1948.

#### Urgent Matters at Stake

The matters calling for the immediate consideration of congress are:

1. Proposals by the President that 600 million dollars be voted at once to relieve want in France, Italy, and Austria this winter and keep those countries from falling into the hands of the Moscow directed Communists.

2. A recommendation of a 500 million dollar emergency appropriation to cover relief in the American occupied zone of Germany and the British zone in which the London government is asking the United States to share the burden of expense.

3. The Marshall plan to check the advance of Russian communism by rehabilitating western Europe at an expense of 16 to 20 billion dollars to American taxpayers.

4. Measures recommended by the President to check the rising inflation at home by various devices designed to halt advancing prices and control commodity supplies and credit.

#### Delay Marshall Plan Decision

The President in his message to congress will present the anti-inflation program and the proposals of interim aid to Europe in detail while merely outlining the Marshall plan which he will submit in detail in a special message a couple of weeks hence. The interim aid is scheduled for passage at the short special session. The anti-inflation proposals will be debated in the immediate session but together with the Marshall plan will go over to the January session for action.

Mr. Truman completed his 4,000 to 5,000 word message to congress today after a three and one-half hour conference with his top economic advisers, including Treasury Secretary Snyder, Atty. Gen. Clark, Commerce Secretary Harriman, Agriculture Secretary Anderson, Interior Undersecretary Chapman, John R. Steelman, assistant to the President; Clark M. Clifford, coun-



## NEIGHBOR S IN WRONG

Enters Similar Mistaken for

(Picture on page 1)

Henry F. Drane, 30, d. pl., married and the young children, died South Chicago hospital of being shot by a ne home he entered by m believed that Drane, by drinking, was a hur

Drane was shot Miller, 29, who resides av., in a brick home ar lar inside and out to only six doors away.

Drane, a draftsman works at 2664 E. 95th wife, Helen, 28, had at ly poker party in the While his wife left t to go home to their lam, 6, and Carol, 5, to help his host cle have a few drinks.

Breaks Door Pan Before he became Drane admitted he by drink. He said was locked out of h He broke a glass par entered, and took of shoes to uptoe up to Miller, a free land awoke to see a shado ing in the bedroom thought it was his caring for their nettle, 2, and David. Then he found his wif "That's a burglar!" to his wife as he slip and got his autom



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#### Follows Allen Principles

The draft contains the usual constitutional sections, a bill of rights, a preamble, and articles setting forth powers and means of governing. Throughout, it follows socialist or Marxian principles, foreign to the United States, but endorsed—according to Hutchins—by all 11 authors.

Here are some of the powers and rights the new world government would have:

- To lay and collect taxes all over the world, and draft its own budget.
- To regulate and operate world-wide transportation and communications.
- To regulate commerce of federal (world) interest.
- To limit and control weapons and military forces of all nations.
- To decide national boundaries and form new nations and unions.
- To expropriate public and private property whenever and wherever necessary.
- To administer colonies and dependencies.

#### Sets Up World Army

To establish agencies which would develop natural resources and etc.

(Continued on page 14, column 3)

and agents into a relatively small agricultural area in the west consisting of a group of counties and told them to concentrate on farmers. This intensive probe resulted in the uncovering of 5 million dollars in evaded taxes, he reported. Similarly, the physicians in a certain area were given a spot check. The official said that of the first five doctors chosen at random, all were found guilty of withholding income from their returns to some extent.

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The author of the article visited the United States and investigated eight industries—electrical equipment, steel, textile, canning, glass, machine tools, building materials, and clothing.

"The United States possesses a domestic market larger than the entire European market," the article said. "Therefore the American producer thinks naturally in terms of the world market."

"Machinery is not better than French but there is better maintenance and replenishment. The Americans clearly surpass the French in mass and speed production."

"Canning factories produce 300 cans a minute whereas France produces only 60. Automatic sewing machines make 5,000 stitches a minute as against 1,500 in France."

"Since we have a small population, our future lies in producing quality goods rather than competing for mass sales. America proves that high wages bring about tremendous output."

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#### Price Control Considered

Field was identified by Presidential Secretary Ross as a Harvard university professor temporarily assisting Harriman. Field was counsel to the OPA in its heyday. His presence at the White House today was significant of the consideration of price control schemes, if not of the restoration of OPA, which was denied.

Ross said that Mr. Truman had given these advisers a complete preview of the message, which is being held in such secrecy that it will not be furnished to the press until one hour before its delivery tomorrow.

Total average net paid circulation  
**OCTOBER, 1947**  
DAILY **1,026,000**  
in excess of  
**THE CHICAGO TRIBUNE**

# IN WRONG

## Enters Similar Mistaken for F

(Picture on page 1)

Henry F. Drane, 30, of pl., married and the young children, died South Chicago hospital of being shot by a neighbor. Drane, on home he entered by mistake, believed that Drane, on by drinking, was a burglar. Drane was shot by Miller, 29, who resides on av., in a brick home on the inside and out to only six doors away.

Drane, a draftsman works at 2854 E. 95th wife, Helen, 28, had attended poker party in the neighborhood. While his wife left the house to go home to their children, 6, and Carol, 5, to help his host clear away a few drinks.

#### Breaks Door Fano

Before he became Drane admitted he was by drink. He said he was locked out of his home and broke a glass pane to enter, and took off shoes to tiptoe up to Miller, a free lance

awoke to see a shadow in the bedroom. He thought it was his wife coming for their two children, 2, and David, 1. Then he found his wife

"That's a burglar!" to his wife as he slipped and got his automatic pistol. In the meantime tiptoed down the stairs the unfamiliar arrangement

furniture.

Studied Home and Drane went outside, home carefully, and

Again he started to climb. Miller shot four times hitting Drane in the back. Drane switched on the light and called the police.

Before he was taken to Chicago hospital, Drane was given water and drugs without rancor, he said. Mrs. Miller:

"You've made a mistake."

## 165 Fired by Roman Red Foreign.

BUCHAREST, Roma (Reuters)—Communist new Romanians forced today dismissed 165 officials.